

Institution: University of Southampton		
Unit of Assessment: 18 Law		
Title of case study: 18-02 The Pains of Indeterminate Imprisonment for Families: Changing Policy and Informing Practice		
Period when the underpinning research was undertaken: August 2013 – September 2019		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Harry Annison	Role(s) (e.g. job title): Associate Professor in Criminal Law and Criminology	Period(s) employed by submitting HEI: August 2013 – present
Christina Straub	Senior Research Assistant	January 2019 – April 2020
Period when the claimed impact occurred: October 2018 – December 2020		
Is this case study continued from a case study submitted in 2014? N		

1. Summary of the impact

Ensuring the ‘legacy issues’ faced by families of people serving indeterminate Imprisonment for Public Protection (IPP) sentences (abolished in 2012) are understood and acted upon has been at the heart of research by Dr Harry Annison at Southampton Law School. Raising awareness of the ongoing issues that remain for the 3,400 IPP prisoners still incarcerated has resulted in:

1. Putting on the policy agenda the continuing support needs of families of people sentenced to IPP – for politicians, policy-makers and practitioners in the criminal justice system
2. Changing policy and practice by national organisations including the Parole Board, HM Prison and Probation Service (HMPPS) and Spurgeons children’s charity.
3. Ensuring that voices of families of people sentenced to IPP are heard, and their needs and lived experiences recognised.

2. Underpinning research

Background

The IPP sentence was introduced by the Criminal Justice Act 2003 and implemented on 4 April 2005. The introduction of an explicitly risk-based sentence, ensuring the indeterminate incarceration of ‘dangerous offenders’, was a radical departure from existing practice. Swiftly rising numbers of IPP prisoners not matched by adequate resourcing or the timely development of bespoke systems and processes resulted in many people serving sentences much longer than their tariff (the period the offence was ‘worth’), with often tragic consequences: rates of self-harm are nearly three times higher than for prisoners serving life and determinate sentences. Over 8,000 IPP sentences were imposed in total.

The IPP sentence was repealed in 2012 but only prospectively; the decision not to make the abolition retrospective, or to take some other form of action, caused considerable upset for families [3.1]. Annison’s monograph *Dangerous Politics* made clear the exclusionary dynamics at the heart of the creation, amendment and abolition of the IPP sentence, with families not being consulted and indeed a wide range of relevant groups being largely ignored [3.2].

Approximately 3,400 IPP prisoners currently remain incarcerated, of whom 2,000 have never been released and a further 1,400 have been recalled to prison. Official statistics show that the recall rate for released IPPs continues to grow, indicating that the issues caused by IPP are far from resolved. This poses significant challenges for the criminal justice system: indeterminate-sentenced prisoners are resource-intensive; hopeless prisoners pose significant challenges for prison management; and more fundamentally it risks undermining the legitimacy of the system [3.3].

Research Findings and Activities

Annison led a research project ‘Exploring the Secondary Pains of Indeterminate Imprisonment: The case of IPP families’ in 2017-18 with Professor Rachel Condry (University of Oxford). Drawing

Impact case study (REF3)

on survey (199 responses) and in-depth interviews with affected families (15), this research for the first time provided a detailed and theoretically-informed understanding of families' experiences of the ongoing dynamics of the IPP sentence [3.1, 3.4].

The findings made clear the negative material impacts, including the effects on family relationships and health, of the IPP sentence on families. The over-arching thematic issues identified were an ongoing sense of injustice for the families, uncertainty, hope and hopelessness. It found that families were forced to exist in a liminal state of *near*-hopelessness, and that release from prison for their relative brought little relief due to the constant fear of recall. The research thus identified the ways in which criminal justice organisations' policies and practices, within the specific context of the IPP sentence, were causing significant harm.

This research – disseminated via electronic and physical publication, presentations to the Parole Board, HMPPS and Prison Reform Trust (PRT), and a parliamentary Policy Briefing Launch on 17 October 2018 – led directly to commitments by the Parole Board, HMPPS and National Probation Service better to understand the experiences of IPP families, and to explore the development of appropriate information and guidance materials in response to this.

Dr Annison secured funding to enable a collaborative project entitled 'The Contribution of Families to the Resettlement of People Serving IPPs' [G.1]. The project addressed the pains of IPP families and also the increasing number of recalled IPP prisoners. The project utilised a co-production method that involved families of IPP prisoners as collaborators in order to identify specific issues and potential solutions. This was informed by Annison's argument, based on his empirical analysis of elite policy making [3.2], that mechanisms are required by which policy participants are better able to learn from people with a range of perspectives and in particular to learn from those with lived experience of penal policy [3.5].

The resulting report 'A Helping Hand' [3.6] set out detailed findings and recommendations in relation to the prison service, probation service, Parole Board, HMPPS psychology, and voluntary sector organisations that support prisoners and their families. These included the need for: legislative change to address the 'left behind' IPP prisoners; policy and practice changes by organisations in order better to recognise and support families of IPP-sentenced prisoners; sufficiently detailed and clear information and communication with families; and training and guidance for relevant staff in alignment with those other recommendations.

3. References to the research

3.1 Annison, H., & Condry, R. (2018). 'The pains of indeterminate imprisonment for family members: findings and recommendations: extended report'. Southampton: University of Southampton. <http://eprints.soton.ac.uk/id/eprint/423560>

3.2 Annison, H. (2015) *Dangerous Politics: Risk, political vulnerability and penal policy* Oxford: OUP. Listed in REF2.

3.3 Annison, H (2018) 'Tracing the Gordian Knot: Indeterminate-sentenced prisoners and the pathologies of English penal politics' *Political Quarterly* 89(2)1-9. <https://doi.org/10.1111/1467-923X.12462>

3.4 Annison and Condry (2019) 'The Pains of Indeterminate Imprisonment for Family Members' *Prison Service Journal* 241, 11-19. https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20241%20January%202019_0.pdf

3.5 Annison, H (2017) 'Interpreting Influence?' in Armstrong, Blaustein and Henry (eds), *Reflexivity and Criminal Justice*. Basingstoke: Palgrave. Available on request.

3.6 Annison and Straub (2019) 'A Helping Hand: Supporting families in the resettlement of people serving IPPs' London: PRT. <http://www.prisonreformtrust.org.uk/portals/0/documents/A%20helping%20hand.pdf>

G.1 Annison, H. *The Contribution of Families to the Resettlement of People Serving IPPs*, Prison Reform Trust, £10,000 and ESRC Impact Acceleration Account £15,885.03.

4. Details of the impact

4.1 Putting on the policy agenda the continuing support needs of families of people sentenced to IPP

The project and related activities resulted in substantially raised awareness and understanding of the issues facing families of indeterminate-sentenced IPP prisoners by key stakeholders including the Ministry of Justice, the Parole Board for England and Wales, HM Prisons and Probation Service and voluntary sector organisations. The Head of Policy at PRT considered that the issue “*had previously been substantially neglected by policy-makers since the prospective repeal of the IPP sentence in 2012*” [5.1].

A parliamentary launch event in October 2018 for [3.1] was sponsored by Jo Stevens MP, with Robert Neill MP (Chair, Justice Committee) and Martin Jones (Chief Executive, Parole Board) responding to the report. It was attended by senior representatives of HMPPS, the Parole Board and other relevant organisations. Martin Jones stated that “*the evidence-based research had provided key insights which were of great interest to the Parole Board*” [5.2]. Dr Annison’s research, in the view of PRT, “*put the issue of families of people serving IPPs firmly on the agenda*” [5.1]. Government support was indicated by Robert Buckland QC MP’s statement (then Minister of State, Ministry of Justice) to the House of Commons in June 2019 that, “*We are very much aware of the work of Professor Harry Annison, who works in partnership with the Prison Reform Trust and has already given us an important insight into the impact on families of their loved ones serving IPP sentences. I am looking forward to seeing the conclusions of the next stage of his work, which is currently being supported by IPP and family leads from Her Majesty’s Prison and Probation Service.*” [5.3]

As part of the PRT collaborative project that resulted in ‘A Helping Hand’ [3.6], a Stakeholder Roundtable was held in April 2019 to discuss preliminary findings and recommendations. This was attended by senior representatives of HMPPS, National Probation Service, Parole Board, POPS (‘Partners of Prisoners’, national family charity) and chaired by the PRT. This enabled a better understanding of existing developments in related areas such as the emerging roll-out of the Families Agenda in criminal justice, as well as understanding the constraints faced by organizations as well as opportunities to achieve our emerging draft recommendations. The subsequent policy report ‘A Helping Hand’, was published with the Prison Reform Trust and “*was welcomed across the criminal justice system. A launch event on 6th November 2019 in Winchester was well-attended and clearly demonstrated the support and interest of a range of practitioners in the sector.*” [5.1]

While HMPPS did develop a Families Strategy from 2017, this activity “*did not cover any unique aspects of the experience of families of those serving IPP sentences.*” Dr Annison’s work “*provided compelling evidence that really got the families’ voices heard by both staff and politicians*” [5.4].

Wider awareness of the issues facing families of people serving IPP has also been achieved by the publication of supporting pieces in the prison newspaper *Inside Time*, the Probation Quarterly practitioner journal, the influential Russell Webster criminal justice blog; the HMPPS ‘Insights’ blog and voluntary sector body Clinks. The ‘A Helping Hand’ report was also featured exclusively in *The Guardian* by Home Affairs Correspondent Jamie Grierson [5.5].

4.2 Changing policy and practice by (and in collaboration with) national organisations including the Parole Board, HM Prison and Probation Service (HMPPS) and Spurgeons children’s charity

As regards the Parole Board, “*When Dr Annison first contacted [us], there was very little specific resource for families of prisoners in the parole system, either in terms of information available for families or to have their voice heard.*” [5.2] The research and subsequent ‘A Helping Hand’ report “*presented a very compelling rationale which directly informed the Board’s decision to establish a specific policy workstream on families of prisoners*” [5.2].

For HMPPS, the research and ‘A Helping Hand’ report was “*particularly helpful in informing our policy and practice in relation to how we support IPP prisoners and their families, with some added benefits to the broader group of prisoners serving indeterminate sentences.*” [5.4] One key output emerging as a result of Dr Annison’s work was the development of publications targeted at

Impact case study (REF3)

families. These were identified as one key means to achieve some of the recommendations of 'A Helping Hand'. Those developed collaboratively with Dr Annison include:

- 'Offering a Helping Hand: Resources and guidance for families and others supporting people serving IPP' booklet, published by Spurgeons children's charity in July 2020 [5.6]
- 'Information for Families or Friends of Prisoners Having a Parole Review', published by Parole Board for England and Wales in August 2020. This includes sections targeted specifically at indeterminate-sentenced prisoners. [5.7]
- 'A guide for the families & significant others of those serving Indeterminate Sentences in prisons', was intended for publication by HM Prison and Probation Service in November 2020, but has been delayed "*due to the impact of the pandemic*" and now "*will be published by HMPPS, following COVID-19 related delays, in January 2021*" [5.4]

All publications have been distributed online and in hard copy to key stakeholders, including being distributed to all prisons and relevant personnel. Prior to these publications, "*there has been very little guidance tailored to families and free of jargon, and families often don't understand the process and don't know what's going on. This is a major step forward that has pulled directly from Dr Annison's work with families of IPP prisoners.*" [5.4]. For the Parole Board, "*The recommendations from Harry and Christina's research provided a clear message about the gap in information for families and friends about parole, and [identified] where something could be developed...that could make quite a difference to a lot of people*" [5.8]. The Board's 'Information for Families...' booklet [5.7] comes directly "*off the back of recommendations from research undertaken by experts from Southampton Law School...on the impact of the IPP sentence on families*" [5.7].

Annison's research, and subsequent collaboration, also led to the following activities and publications targeted at relevant practitioners:

- The HMPPS staff training course 'Life and IPP Prisoners' was updated in 2020, with "*the insights from 'A Helping Hand' report [used] to inform the redesign of that training*" [5.4].
- A new supplementary information sheet on the experiences of families of people serving IPP was made available to Parole Board members in October 2020, by the Parole Board as part of a wider updating of member guidance.
- The Parole Board also published in October 2020 guidance for people sentenced to IPP (and those supporting them) on applying to terminate their licence. The need for advice and support in ending the licence period was a key message from our research with families.

The HMPPS Head of Indeterminate Sentence Operational Support considered that changes to the HMPPS staff training was "*particularly important in light of the concern mentioned in the 'A Helping Hand' report about lack of awareness of IPP by many staff, particularly in prisons, where staff turnover/movements can be high.*" [5.4] Changes include "*greater emphasis on recognising the sense of injustice that families feel*" about IPP and staff recognising "*the need to provide clear, simple information to families so that they understand processes and what is happening to their loved ones*" [5.4].

The information sheet for Parole Board members provides an "*aide-memoire for members as they consider cases of the anxiety that families will be going through*" [5.2]. In addition the 'Offering A Helping Hand' booklet produced with Spurgeons, though targeted at families, also serves as a useful tool for practitioners and volunteers supporting them.

4.3 Ensuring that voices of families of people sentenced to IPP are heard, and needs and lived experiences recognised

Relevant practitioners – including prison officers and family support workers – attending the launch for 'A Helping Hand' [3.5] reported gaining a better understanding "*of the impact of the sentence on families*", and of "*the huge information/communication gap which exists*" between criminal justice organisations and families [5.9]. Their feedback on planned action included: "*sharing the research findings*" with staff they manage (for example "*distribute to the [Offender Management Unit] hub*"); ensuring that "*relevant information [is] provided in the [prison] visitor centre*"; and exploring if

Impact case study (REF3)

“families could be involved with sentence planning board” meetings for IPP prisoners [5.9]. These individual efforts are strengthened by HMPPS work in updating its training to “directly reference the impact of the IPP”, using “the feedback from families” [5.4].

National charity Pact, who support parents and children affected by criminal justice, testify to the positive change brought about by the research: ‘One difficulty identified in 2017-18 was the lack of information and guidance that people could rely on, when trying to support families affected by the IPP sentence. Dr Annison’s work ... meets this need.’ [5.10] Pact also run the Ministry of Justice-funded Prisoners’ Families Helpline. They “provided informal ongoing support” for Dr Annison’s research from 2017 onwards, and have welcomed the ‘Offering a Helping Hand’ booklet, sharing it “with all of our relevant helpline staff, so that they are better equipped to provide support to families in this situation” [5.10].

Invisible Walls is an award-winning initiative at HMP Winchester, whose Family Interventions Coordinator stated that “feeling heard and realizing that their experience is shared by others can be massive help to prisoners and their families; the [Offering a Helping Hand] leaflet does that but also links to further useful information from the Parole Board and HMPPS for example.” [5.10]. The feedback received from families they work with to date “has been really positive” [5.10].

Families have reported, “Your [Offering a Helping Hand] booklet is excellent Harry and the guidance and support in it has been very very much needed for 15 years. It is very informative, and sympathetic to everyone involved.” [5.10] POPS, another national charity supporting families affected by criminal justice, told us that the impacts achieved by Dr Annison “are important steps that, within the confines of the substantial political constraints on the IPP issue, address some of the key needs identified by ‘A Helping Hand’ and indeed which we had identified in our own work with families.” [5.10]

COVID-19 has had a devastating impact on the criminal justice system from early 2020. Reflecting on the particular challenges posed by the pandemic, Invisible Walls stated “This is a particularly difficult time for those in the prison system, and the support and guidance of Southampton Law School has been very helpful for both IPP prisoners and their families.” [5.10]

5. Sources to corroborate the impact

- 5.1. Head of Policy, Prison Reform Trust – Formal Letter of Support 8 June 2020
- 5.2. Chief Executive, Parole Board – Formal Letter of Support 9 June 2020
- 5.3. Buckland, R. (2019) ‘Imprisonment for Public Protection’ debate, Hansard: House of Commons 11 June <https://hansard.parliament.uk/commons/2019-06-11/debates/2592FEF3-7781-412F-808A-BA500398BD7B/ImprisonmentForPublicProtection>
- 5.4. Head of Indeterminate Sentence Operational Support, HMPPS – Formal Letter of Support 16 November 2020
- 5.5. Jamie Grierson, *The Guardian* 10 November 2019 <https://www.theguardian.com/law/2019/nov/10/ipp-sentencing-regime-in-england-and-wales-branded-deeply-harmful>
- 5.6. Annison and Straub, ‘Offering a Helping Hand’ Spurgeons/University of Southampton. June 2020 <https://www.spurgeons.org/wp-content/uploads/2020/06/Offering-a-helping-hand.pdf>
- 5.7. Parole Board for England and Wales, ‘Information for Families and Friends of Prisoners Going through a Parole Review’. 24 August 2020 <https://www.gov.uk/government/publications/info-for-family-and-friends-of-prisoners-having-a-parole-review>
- 5.8. Glenn Gathercole (Lead for Policy and Research, Parole Board) ‘Information for Families and Friends of Prisoners’ *Probation Quarterly* 17, 44-47 September 2020 <https://static1.squarespace.com/static/5ec3ce97a1716758c54691b7/t/5f438e00b398394e2d99d1ac/1598262837547/PQ17.pdf>
- 5.9. Practitioner Workshop 6 November 2019 Feedback Forms
- 5.10. Family Interventions Coordinator, Invisible Walls, HMP Winchester. Formal letter of support 18 December 2020