

Independent Commission into the Experience of Victims and Long-Term Prisoners

September 2020

Dear Colleague,

BISHOP'S COMMISSION: CALL FOR EVIDENCE

Bishop James Jones, former Bishop of Liverpool, Bishop of Prisons and former Chair of the Hillsborough Independent Panel, has been appointed Chair of the Independent Commission into the Experience of Victims and Long-term Prisoners. The Commission aims to stimulate fresh thinking on the range of issues from sentencing to parole. The Commission website is available at www.icevlp.org.uk

The Commission is made up of an expert panel of individuals with experience of working with victims and perpetrators of serious crime, as well as representatives from diverse fields including academia and public health. The work of the Commission is guided by the terms of reference and supported by a secretariat, which includes the Prison Reform Trust. The terms of reference and membership of the panel are copied below.

The aim of the Commission is to create the space for a more measured and informed public and political debate about how the most serious crime is punished, the treatment of the perpetrators and the attention given to victims and their families once sentence has been passed. Its work is founded on the realisation that the lives of people imprisoned for very serious offences and the victims and their families are simultaneously altered, often to a life changing degree. But the criminal justice system's attention is focused on the requirements of retribution and the ambition of rehabilitation – the potential for a process which might, in any significant measure, lead to some healing of the wounds inflicted by the crime and its punishment appears to be largely overlooked.

The Commission is to hear directly from victims and their families and from prisoners and their families, as well as receiving written submissions. The Commission will ensure that it hears from diverse voices from across different crime circumstances, different reactions and views. The principal product of the Commission's work will be a report combining the voices of victims and prisoners with an expert analysis of the available research and background to policy affecting both victims and prisoners. The report is due to be published in mid-2021.

To inform its work, the Commission is inviting written submissions relating to its terms of reference. We would particularly welcome evidence relating to the following areas of inquiry:

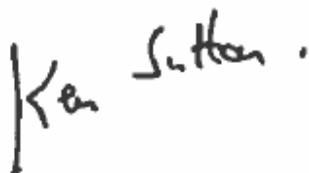
For England and Wales –

- (i) the pattern of sentences being given for the most serious of crimes and of the time being spent in prison;**
- (ii) how those sentences are being served, including the arrangements for contact between the prisoner, the prison authorities and the victim and their families;**
- (iii) communications with the victims and their families both at the time of the sentencing and through the period of the sentence;**
- (iv) the perspective of both victims and their families and prisoners and their families including of being marginalised by the way sentences are administered.**
- (v) any changes which might help better achieve a restorative purpose for victims and their families as well as delivering all the purposes of sentencing set out by Parliament in these most serious of circumstances.**

We welcome submissions from individuals, groups or organisations. You are welcome to submit evidence relevant to any of the areas above. You do not have to provide a response to each area. The deadline for submissions is **1 December 2020**.

Written submissions should be sent in Word format to enquiries@icevlp.org.uk

Yours faithfully,



Ken Sutton
Secretary to the Commission



Mark Day
Assistant Secretary

TERMS OF REFERENCE

INDEPENDENT COMMISSION INTO THE EXPERIENCE OF VICTIMS AND LONG-TERM PRISONERS

1. There is legitimate debate about when prison is the right sentence for those convicted of less serious crimes. But for the most serious of crimes there is broad support for the view that lengthy prison sentences should be given to those responsible for the offences which society regards as most damaging and abhorrent.

2. The sentence given in these circumstances, how it is communicated to the families affected and more widely, how the sentence is served and how and when the sentence is concluded, are all essential to delivering the five statutory purposes of sentencing, which are:

- the punishment of offenders
- the reduction of crime (including its reduction by deterrence)
- the reform and rehabilitation of offenders
- the protection of the public
- the making of reparation by offenders to persons affected by their offences

3. There is public and political commentary that suggest that the current sentencing framework and practice fails to secure public confidence and fails to meet the expectations of victims and their families. Victims say they feel left in the dark over what the sentence actually implies for the length of time a person will serve in custody rather than in the community, how time in prison is spent and how prisoners are considered for release and then released.

4. At the same time there is also concern that sentences for the most serious of crimes have become disproportionate, exceeding what is required to meet their statutory purposes. Principally as a result of legislation, sentences have lengthened very considerably since the turn of the century. More than three times as many people were sentenced to 10 years or more in the 12 months to June 2018 as in the same period a decade ago. Judges are required to set much longer periods for the minimum time to be served in prison for offences of murder. On average this minimum term imposed rose to 21.3 years in 2016, up from 13 years in 2001. Sentences which remove hope are likely also to remove all incentive to reform, undermining the rehabilitative objective enshrined in law. There are questions to be addressed as to the link between sentencing, reoffending and a safer society.

5. The remit of the Independent Commission will be to hear from victims and their families and from prisoners and their families; and to write a Report reflecting their experiences and perspectives and to identify points of learning. The Independent Commission will also consider the wider public interest in sentencing, and any written submissions which are received.

6. The Independent Commission will therefore examine and assess, for England and Wales:

(i) the pattern of sentences being given for the most serious of crimes and of the time being spent in prison;

(ii) how those sentences are being served, including the arrangements for contact between the prisoner, the prison authorities and the victim and their families;

(iii) communications with the victims and their families both at the time of the sentencing and through the period of the sentence;

(iv) the perspective of both victims and their families and prisoners and their families including of being marginalised by the way sentences are administered.

(v) any changes which might help better achieve a restorative purpose for victims and their families as well as delivering all the purposes of sentencing set out by Parliament in these most serious of circumstances.

7. The Independent Commission will gather information and evidence as it sees fit in order to examine and assess the issues involved. Its Terms of Reference will be completed by the publication of a Report in mid-2021 designed to inform public and Parliamentary debate and government policy.

8. The Independent Commission will be independently funded and supported by a secretariat which includes the Prison Reform Trust. It will be required to reach its own assessment, conclusions and recommendations and will be solely responsible for delivering its Terms of Reference.

MEMBERSHIP OF THE INDEPENDENT COMMISSION

Bishop James Jones KBE (Chair)

The Right Reverend James Jones KBE was the Bishop of Liverpool between 1998 and 2013 and the Bishop of Hull from 1994 to 1998. Bishop James served as Bishop to Prisons from 2006 to 2013. The Bishop was a member of the House of Lords from 2003 to 2013 speaking on criminal and restorative justice issues, the environment, and urban regeneration. In 2009, the Bishop was appointed by the Home Secretary to chair the Hillsborough Independent Panel examining all the documentation concerning the death of 96 Liverpool football fans at the 1989 FA Cup Semifinal. The Panel reported in September 2012 and this led to the quashing of the original inquests. He then served as Adviser to the Home Secretary on Hillsborough from 2013-2018.

Marina Cantacuzino

Marina Cantacuzino is an award-winning journalist who in 2004, in response to the invasion of Iraq, founded The Forgiveness Project, a charity that works with the personal narratives of victims and perpetrators to explore peaceful solutions to conflict. Marina's book *The Forgiveness Project: Stories for a Vengeful Age* was published in the US and UK in 2015, and in 2018 she co-authored the illustrated book *Forgiveness is Really Strange*. She has also contributed several essays to anthologies on the subject of forgiveness and justice.

Dr. Bill Kirkup CBE

Bill Kirkup worked as a ward orderly, a doctor specialising in obstetrics & gynaecological oncology and Associate Chief Medical Officer for England. He volunteered to work on Public Health & Reconstruction as a civilian alongside military operations in Kosovo, Baghdad & Iraq and Afghanistan. Since retiring from Public Health, he works mainly on independent investigations, including into Children's Heart Surgery in Oxford, Jimmy Savile's involvement at Broadmoor Hospital, Morecambe Bay Maternity Services and Liverpool Community Services. He also served as a member of the Hillsborough Independent Panel, the Gosport War Memorial Hospital Panel and chaired the investigations into the death of Elizabeth Dixon, as well as East Kent Maternity Services.

Michelle Nelson QC

Michelle Nelson took Silk in 2019. As Treasury Counsel she has prosecuted and defended in some of the most serious, difficult and high profile criminal cases, and has advised on sentence appeals for the Attorney and Solicitor General and on behalf of defendant's in death row cases in Trinidad, Jamaica and the U.S. Michelle is a member of the Westminster Commission on Miscarriages of Justice, a Trustee of the Prison Reform Trust and Chair of Ekaya Housing Association.

Michael Spurr

Michael Spurr worked in Prisons and Probation for 36 years. He was Governor at HMYOI Aylesbury, HMP Wayland and HMP/YOI Norwich, and CEO of the National Offender Management Service/HM Prison and Probation Service 2010-2019. He is currently a Visiting Professor in Practice in the Social Policy Department at the London School of Economics, a Board Member of the International Corrections and Prisons Association, and Chair of Whitechapel Mission providing services to the homeless in East London.

Paul Vallely CMG

After three decades of award-winning journalism, from over 30 countries, Paul Vallely has worked with government, churches, charities and business on projects to strengthen the common good. He was co-author of the report of the Prime Minister's Commission for Africa and an adviser to the Catholic Bishops Conference of England and Wales, writing their report 'A Place of Redemption: A Christian approach to Punishment and Prison'. A founding member of the Board of Corporate Social Responsibility for Waitrose supermarkets, he has also advised the John Lewis Partnership on Human Rights in the supply chain. He is Visiting Professor in Public Ethics at the University of Chester and a Senior Research Fellow at the Global Development Institute, University of Manchester. He was made a CMG in the 2006 Birthday Honours List.