doctrine of parliamentary sovereignty and so the Court here is unable to override the will of Parliament. While the critics of the UK Supreme Court argue that its powers should be curtailed to prevent it from carrying out assessments of constitutional issues in the manner that the US Supreme Court does, it is generally misleading to compare the two systems. The UK system is unique due to the absence of a written constitution, while the US is proud of a constitution that has been in force for more than 200 years. It could be argued that by making those comparisons critics of the UK Supreme Court are deliberately politicising the institution in order to have the issue resolved by politicians. This is notwithstanding the fact that all the hallmarks of the Court show the opposite, and its reluctance to wade into a political debate is evident unless it has to perform its constitutional role. The ancillary matter emanating from the idea of limiting the Supreme Court's powers is its position as the final decision maker in matters involving judicial review. The proponents of the Court argue that because of the increasing use of judicial review proceedings as a means of holding the Government to account, any proposed reforms involving the statutory reduction of justiciable issues are seen as aiming at avoiding scrutiny of the executive – the opposite of what is envisaged by the principles of constitutional law. The process of judicial review is also under review by the Government, and reforms in the structure and scope of judicial review may follow in due course. Former Justice of the UK Supreme Court Lord Sumption told The Times "Abolishing or downgrading the most prestigious common law court in the world is an extraordinary act of self-laceration which can only reduce our influence and the attraction of London as a dispute resolution centre". He also emphasised that unlike judicial appointments in the US where this is a prerogative for politicians, justices in the UK are not appointed in accordance with their political allegiances and so the judiciary remains independent as a result. Any official confirmation and the scope of proposed reforms have yet to be announced.

Call for Quicker Resolution of Investigations Into Police Custody Deaths

Investigations over deaths in police custody should be finished within a year, Dame Elish Angiolini QC has said. Giving evidence to Holyrood's Justice Committee, she pointed out that the complaints process was as complicated as the "wiring system of the Starship Enterprise" – referring to the TV show Star Trek. She said: "If you are in a cell or in custody you immediately have all sorts of rights which are accessible to you – access to a solicitor, etc. "If you die (in custody) your family do not have instant right to a solicitor. So it is a very important aspect as well, the family need access to the same type of legal advice as the person would have in custody, both immediate and expert." Dame Elish said deaths in custody engaged article 2 of the European Convention of Human Rights. "Where that happens, it creates huge stress, not just for the next of kin but also the officers involved," she said. Their lives are suspended, if these matters go on for years then they cannot work, they often become ill and it is imperative these cases are dealt with. When I say it should be treated like a homicide, I am not talking about 110 days, I am talking about a year... which is sufficient time for investigations. We manage to get complex murder and culpable homicide cases into court in that period and these cases require that, because they are the most serious cases."

Serving Prisoners Supported by MOJUK: Walib Habid, Giovanni Di Stefano, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Peter Hannigan.

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MOJUK: Newsletter 'Inside Out' No 825 (16/12/2020) - Cost £1

UK Government Pays Out to Family of IPP Prisoner Who Killed Himself

Eric Allison and Jamie Grierson, Guardian: The family of a prisoner who killed himself after being handed a controversial "never-ending" sentence has received damages from the government in an out-of-court settlement, the Guardian has learned. Tommy Nicol was jailed under the terms of the now-abolished imprisonment for public protection (IPP), under which offenders were handed a minimum term but no maximum term and had been dubbed by critics the "never-ending sentence". Nicol, 37, died in hospital in 2015 after trying to take his own life at the Mount prison in Hertfordshire. He was two years past his four-year minimum tariff for stealing a car and injuring the owner. His family had begun a landmark claim in the high court, alleging the operation and administration of the IPP sentence constituted a breach of Nicol's right to life under the Human Rights Act 1998, and led to his death.

In what appears to amount to a concession, the Ministry of Justice has settled a claim with the family. Despite the use of the sentencing power being scrapped in 2012, more than 3,200 prisoners remain locked up under the regime, including those who have been recalled to prison. Nicol's sister Donna Mooney, who lives in south-west London, has since become a campaigner in support of re-sentencing or releasing remaining IPP inmates. She said: "Tommy's death wounded our family deeply and we cannot heal that wound. The only thing that has kept me going since then is the fight to try and ensure no other families have to endure the pain we are still feeling. This cruelty has no place in a society which claims to be civilised." Nicol described the IPP as the "psychological torture of a person who is doing 99 years". The damning assessment was among a number of handwritten complaints filed while Nicol was serving his sentence for robbery. His time in prison was characterised by repeated setbacks with access to mental health care and rehabilitative courses that were crucial for him to progress his sentence and secure his release. On 15 September 2015, he was found unresponsive in his cell. Four days later, at Watford general hospital, he died in restraints, having never regained consciousness.

In evidence seen by the Guardian, which would have been put to the high court, the consultant forensic psychiatrist Dr Dinesh Maganty said Nicol and many other IPP prisoners were caught in a vicious cycle where, in order to be released, they had to complete programmes that were not available in sufficient numbers. Maganty said: "A human being has to suffer extreme suffering to be pushed to take one's life. In Nicol's case, the death was caused by such suffering and the deterioration in his mental health, together with hopelessness, led to his suicide."

Introduced under Labour in 2005, IPPs were designed to detain indefinitely serious offenders who were perceived to be a risk to the public. The government expected about 900 people to be jailed under an IPP; it peaked at more than 8,000. They were used far more widely than intended and issued to offenders who committed low-level crimes. They were scrapped by the Conservative justice secretary, Ken Clarke, in 2012, but the move was not retrospective. There were 1,895 IPP prisoners by the end of September 2020. IPP sentences are attached with an indefinite licence period, meaning released offenders face recall to prison for the rest of their lives. The number of IPP prisoners recalled to custody continues to increase; in the past year the recalled IPP population has grown by 13% to 1,357. There have been several deaths of IPP prisoners in recent years, many of which were recorded as suicide. Charlotte

Nokes, 38, David Dunnings, 35, Shane Stroughton, 29, Kelvin Speakman, 30, and Steven Trudghill, 23, all died over-tariff while serving IPP sentences.

Jocelyn Cockburn and Aston Luff, from the human rights solicitors Hodge Jones and Allen, represented Nicol's family. Luff said: "We don't want anyone else to feel, like Tommy did, that they have no hope. By winning this claim and telling Tommy's story, this is another step forward in getting IPPs abolished for good." A Prison Service spokesperson said: "Our sympathies remain with the family and friends of Mr Nicol. We have provided specialist suicide and self-harm training for over 25,000 staff and have recruited 4,000 new prison officers since 2016, allowing us to provide dedicated support to each prisoner."

Locked up Children - 'Who Are They, Where Are They?

Leigh Day Solicitors: A new report by the Children's Commissioner reveals that increasing numbers of children are being "locked up" in unsuitable housing because of a lack of secure and safe care accommodation. The report, "Who are they, where are they?" reveals evidence of a growing number of children who are locked up but who do not appear in any official statistics and who are not living in places designed to hold children securely. Although these children are incredibly vulnerable and can be at risk of being sexually or criminally exploited or harming themselves, often there is no space in a secure children's home for them to be kept safe.

In some cases, councils are being forced to come up with "makeshift arrangements" to house vulnerable youngsters, such as flats, hostels and caravans. The report by Children's Commissioner, Anne Longfield, says judges are being asked to make decisions in potentially hundreds of cases to deprive children of their liberty to keep them safe in unregistered placements as beds cannot be found for them in secure regulated accommodation. Ms Longfield has called on ministers to consider whether new legislation is required to protect these youngsters, and for an urgent increase in the number of specialist centres to care for them. Recently Ms Longfield instructed Leigh Day solicitors to handle an intervention on her behalf in the case of a child who had been placed in unregistered and non-secure accommodation because of a lack of suitable registered accommodation across England and Wales.

If the child had been placed in a registered children's home, there would have been legal safeguarding measures in place including regular visits and reviews of the care provided and restrictions in place. Ms Longfield says the case is typical of hundreds of others across the country in which children are being deprived of their liberty without legal authority and accommodated in places which put their safety at risk. In the case, heard at the Supreme Court last month, Ms Longfield said children should only be deprived of their liberty with legal authority, and there needs to be reform so that children placed in unregulated placements have the same protection as children placed in secure children's homes.

Leigh Day solicitor Anna Moore was instructed by the Children's Commissioner. She said: "Currently children who are placed in Secure Children's Homes are subject to certain protections prescribed by law (for example the placements have to be registered and there are regular inspections and checks). However, there is a shortage of such homes and as such some children are being placed in unregulated placements, some of which are extremely unsuitable. "Placing children in accommodation that is not a secure children's home currently falls out of the statutory regime and so they do not have the same safeguards that other children do. This means children are being deprived of their liberty without authorisation and without proper checks and safeguards in place."

from people who are detained indefinitely in prisons under severely oppressive lockdown conditions. Understandably, many are struggling to cope. To make matters worse, they are denied access to legal support to secure their release or challenge deportation. If these people were British citizens they would be released at the end of their custodial sentences. Many of them have lived here most of their lives. Of course they should also be released." A government spokesperson said: "Individuals held in prison for the purposes of immigration detention are usually there because they have been assessed as unsuitable for the conditions of immigration removal centres, because they are high-risk or high-harm. "There are dedicated Home Office teams working in prisons to support them, including with access to legal advice. The protective measures that have been put in place in prisons have been guided by public health advice, and have limited the spread of the virus and saved lives."

Government Plans to Reform UK Supreme Court

Gherson Solicitors: It has been reported that the UK Government is planning to overhaul the Supreme Court, which was established by the Constitutional Reform Act 2005 and began its work in 2009. As the highest court in the land, it took over from the Appellate Committee of the House of Lords, which until then had been the court of final appeal hearing the majority of civil and criminal cases in the UK. The latest reforms are reportedly being proposed because of a perception by some politicians that the idea behind the creation of the Court in its current form was misconceived. They argue that the Supreme Court has politicised itself by extending its jurisdiction to cover politically sensitive matters, and that it should not have been given the powers it currently has to deal with and rule on such cases.

At the time of the original reform, the proponents of the brand-new institution tried to depoliticise it by arguing that it was a constitutional necessity required for the promotion of a liberal and democratic state governed by the rule of law. As a matter of fact, the previous arrangement saw the highest court technically become a parliamentary committee within a legislative chamber. Although the constitutional safeguards were in place to maintain the independence of the system, it was perceived by the public (who may not have been familiar with the intricacies) that the Committee was not fully independent of the legislature and its operation was failing to adhere to the doctrine of the separation of powers. Moreover, the rise of judicial review in the second half of the 20th century saw the judiciary becoming increasingly involved in scrutinising decisions of government departments, and so reform was needed to enable a fully functional judiciary to be independent of the legislature and the executive.

More recently, the Supreme Court found itself at the centre of mainstream political debate when it was required to rule on the suspension of Parliament in 2019. Delivering a significant blow to the Government, the Court held unanimously that the executive had acted unlawfully by suspending parliamentary sittings and preventing Parliament from debating Brexit as a deadline approached. The consensus among legal and political commentators was that a political grudge was borne by the Government following the disastrous ruling, and that in the future it was likely to seek political revenge on the institution for performing its constitutional role.

It has now emerged that the Government is considering reforming the Supreme Court once again by renaming the institution and reducing the number of justices. It is also planning to introduce expert judges to facilitate the availability of expertise for cases requiring specialist knowledge. Whereas the critics of the Supreme Court argue that its authority should be scaled back and it should not be allowed to act as a constitutional court in considering relevant matters, its proponents contend that it is inevitable that constitutional matters come up for deliberation from time to time in the absence of a written constitution. Unlike the US Supreme Court in the US, which has the authority to strike down an act of Congress as unconstitutional, the role of the UK Supreme Court is limited by the

that the immunoassay test results are entirely congruent with the clinical picture of exogenous insulin, and there is no alternative natural cause that has been identified, this is capable of verifying the results obtained by Guilford Laboratories and FSS.

In summary, we do not see how the 'fresh' evidence, so called, can be said to dilute the medical case against the Appellant, or transform its perspective. The 'new' evidence does not provide any ground for allowing the appeal. Consequently, (i) we refuse permission to appeal on the amended/varied grounds and, (ii) we dismiss the appeal on the extant ground referred by the CCRC."

Immigration Detainees Held in Jails 'Blocked From Accessing Legal Advice'

May Bulman, Indpendent: Hundreds of immigration detainees who are being held in jails after completing their prison sentences are unable to access legal advice during the pandemic, lawyers and charities have warned. The government is being urged to release people who are being held in prisons under immigration powers, with the warning that it is "impossible" for the detainees to access legal advice because legal visits are no longer permitted. Non-British nationals who are sentenced to jail for longer than 12 months in the UK are liable to be deported, and can be detained under immigration powers at the end of their custodial sentence pending their removal from the country. Such individuals are usually transferred to an immigration removal centre, where conditions are less restrictive and they have better access to legal advice. However, since the start of the pandemic, the Home Office has sought to hold fewer people in removal centres for Covid-19 safety reasons, placing many in prisons instead.

The number of people detained in prisons under immigration powers has subsequently increased significantly in the past year, rising by 43 per cent to 434 in the 12 months to 30 September 2020. A letter signed by 40 organisations and lawyers calls on the home secretary and the justice secretary to "immediately" release people held in jail under immigration powers, warning that immigration detainees have been "left to navigate the complex process of challenging their detention and deportation without any form of assistance whatsoever".

The letter, whose signatories include a number of lawyers and charities such as Bail for Immigration Detainees and the Prisoners' Advice Service, states: "Immigration legal advice and representation, almost impossible to access at normal times, is currently impossible because legal visits are no longer permitted. "It is clear that immigration detainees, none of whom are serving criminal sentences, should be immediately released from prison." It also points out that the coronavirus is spreading more rapidly than ever through prisons, with data published last month showing that 1,529 people have now contracted the virus across 89 sites in the prison estate. More people in prisons tested positive for Covid-19 in October 2020 than in the entire period from March to September, according to the Ministry of Justice.

One individual, who was in prison under immigration powers for six months this year after completing his sentence, and released on bail four days ago, told The Independent he had struggled to access any legal advice, and only managed to do so when his brother managed to contact a charity on his behalf from outside the prison. The 21-year-old man, who didn't want to be named, said: "I tried to get help, but I felt like the staff were ignoring me. They were saying they were going to come and see me, but they didn't. "They just treat you like another prisoner. I was in there for longer than I should have been because I couldn't get legal advice. It was the worst thing, especially when you know you've already served your sentence. "It was 24-hour bang-up. I was only allowed to come out for a shower every two days. I was going crazy."

Celia Clarke, director at Bail for Immigration Detainees, said: "Every day our caseworkers hear

Investing in Yet More Prison Places is Not the Way to Cut Crime

Campbell Robb, Guardian: With the dismaying announcement that the government plans to fund 18,000 more prison places by 2026, we are forced to ask, once again, why crime prevention fails to get the same emphasis as punishment. Last Wednesday, the chancellor announced more than £4bn in capital funding – spread over four years – largely dedicated to funding these new prison places in England and Wales. This makes it clear that the government is clearly pressing ahead with a much more authoritarian stance on crime and punishment.

As per the government's official projections, the expectation is that the prison population will rise from 79,235 (in September 2020) to 98,700 by September 2026. It costs approximately £37,000 a year for a prison place (excluding the initial building costs required to house such an influx), which equates to around £666m for an extra 18,000 places. Set against a backdrop of broadly stable crime rates, and for a government publicly committed to returning to what it calls fiscal sustainability, this makes very little economic sense.

Even if crime rates were to increase, as we know that crime often goes up in times of economic hardship, more prison places is not the answer – prison just does not work for so many. Almost half of people released from prison reoffend within a year of coming out. Compare this with the lower rate of reoffending for people who are given community sentences rather than prison. In fact, the government's own evidence showed that if all offenders who currently receive prison sentences of less than six months were given a community order instead, then there would be about 32,000 fewer proven reoffences a year. And the cost of reoffending? £18bn every year.

Instead, the government should be focusing on early intervention and tackling the factors we know have such an influence on crime – poverty, lack of opportunity, trauma. And helping young people most at risk of contact with the criminal justice system: getting them on a pathway to success starting with basic qualifications, arming them with employment skills and smoothing the pathway into work and success.

A relentless focus on rehabilitation and reducing reoffending must also be at the heart of government policy, starting with the basics we all know are so important – somewhere to live on release from prison; a job, support; and hope for the future. Committing to the increased use of community sentences – proven to be effective – will not only drive down reoffending but also strengthen families and communities and importantly reduce overcrowding in prisons. If we are to have any hope of making prisons places of learning, earning and true rehabilitation for those who do get incarcerated, then we have to put an end to overcrowding, poor conditions and a lack of purposeful activity and rehabilitative programmes.

The hard reality of what we at crime reduction charity, Nacro, see and hear on a daily basis is people who have been failed time after time after time. Prison leavers can't make a claim for universal credit until after they have left prison, often leading to delays. Or they leave prison without that vital photo ID they need to open a bank account or to receive welfare payments, or without the education they need to get a job. And with the prison leavers' discharge grants still at just £46 (unchanged since 1996), combined with around 1,000 people who are leaving prison homeless every month, too many are simply being set up to fail.

But none of this is inevitable. If we really focus on tackling the causes of crime and intervening early; following the evidence on what works to reduce reoffending; and giving people the basic building blocks and support needed to move away from crime, we have a real opportunity to transform our justice system – reducing crime and giving people the best chance at a second chance. • Campbell Robb is chief executive of Nacro

HMP Lindholme – Need to Ease Harsh Regime Restrictions Harming Prisoners' Welfare

Prisoners in HMP Lindholme, a men's category C establishment in South Yorkshire, were found to have experienced an excessively restricted daily regime "without much reprieve" since the start of the COVID-19 pandemic. Inspectors from HM Inspectorate of Prisons, who visited the prison in October 2020, reported that violence and self-harm, which had fallen in the early COVID-19 period, were rising. There were increases in requests for sleeping medication and self-referrals by prisoners for help with mental health problems.

Charlie Taylor, HM Chief Inspector of Prisons, said the senior management team had implemented quarantine and shielding arrangements in accordance with national COVID-19 directives and there had been no cases among prisoners since the start of the pandemic, with only a small number of confirmed cases among staff. However, there was little evidence of social distancing by staff or prisoners on residential units, and very few staff were seen to be wearing face masks. "Prisoners repeatedly told us that they felt staff should wear masks to minimise transmission of the virus, especially as the local area COVID-19 alert level had moved to a higher tier." Mr Taylor added that the severely curtailed regime at the start of the pandemic restrictions in March 2020 was reasonable, "but almost seven months later there had been little progress in ensuring that prisoners had adequate time out of cell or purposeful activity. The failure to improve the regime during the summer meant that prisoners were now subject to a second-wave tightening of restrictions without having had much reprieve."

Time unlocked was severely restricted to less than an hour a day for most prisoners, and it was not uncommon for time in the open air to be limited to 20 minutes in a day. Prisoners could also remain locked in their cells for 28 hours in one stretch at the weekend. Mr Taylor added: "There was mounting frustration among prisoners who reported that the excessive time spent locked up was having a negative impact on their well-being, including weight gain, difficulty in sleeping and a deterioration in their mental health." Inspectors found that the governor had plans to ease restrictions by opening the gym, and doubling the time unlocked for outdoor exercise and activity on the wing. However, Mr Taylor said: "Negotiations with the local staff association had not reached an agreement. While we were aware of the need to ease restrictions in a safe and measured way, progress had been far too slow and the restrictions in place were not proportionate when compared with other prisons."

The prison had made significant progress in improving safety since the last full inspection in 2017, with a reduction in assaults by half. However, following a drop in violence and self-harm figures at the start of the COVID-19 restrictions, the number of incidents was gradually increasing back to pre-pandemic levels. Despite some poor living conditions, prisoners in the older wings liked being able to live together on a small spur, where they were not confined to their cells. However, inspectors found too many recurring problems with heating and ventilation, damp walls, broken washing and drying machines, worn mattresses and lack of privacy screens. Prisoners also complained of insufficient cleaning materials.

While inspectors saw some good staff-prisoner interactions, only 64% of prisoners said that staff treated them with respect. In the Inspectorate survey, prisoners from a black or minority ethnic background were more negative about staff behaviour than white prisoners, with fewer than half reporting that staff treated them with respect. Restrictions on services and challenges for the prison in enabling prisoners to attend health care appointments had exacerbated waiting lists, especially for those with long-term conditions and dental needs. However, considerably more prisoners were engaging with education than before the COVID-19

We bear in mind the concessions that Mr Wilcock's skilful advocacy has secured in relation to "possible" alternative causes leading to Mr McCarthy's death. Aware of the necessary caution urged by this Court in Pendleton (above) we have given anxious scrutiny to the evidence we have read and heard de bene esse.

However, ultimately, we are in no doubt that most of the evidence that we have heard is a re-package of the evidence that was before the jury in 2000 as is amply demonstrated by comparison of [11]-[31], [34]-[35] and [47] – [69] above. Nevertheless, in recognition that there may be rare exceptions to the principle that the court will not "permit a repetition, or near repetition of evidence of the same effect by some other expert to provide the basis for a successful appeal," (See R v Kai Whitewind [2005] EWCA Crim 1092, [97]), we have asked ourselves whether the evidence of Mr Thumbikat and that relating to sepsis and the 'normal' potassium reading presents a compelling new perspective.

We accept the evidence of Mr Thumbikat, which we consider is well grounded in Mr McCarthy's medical records and cogently articulated, that the administration of an injection would cause significant jerking that would likely have roused him. However, we are unable to deduce from that likely physical response, that he would have realised why he was in spasm nor necessarily have appreciated the need to 'seek assistance'. Equally, we are satisfied that the 'normal' potassium reading obtained was 'unusual' in the context of insulin induced hypoglycaemia. Nevertheless, every one of the medical witnesses in this case has resisted any opportunity to describe this feature as pathognomonic of insulin overdose, and have referred to the relatively high incidence (nearly 25%) of cases in one study that did not exhibit this feature either .

Professor Heller and Dr Cowling conceded the possibility of natural causes leading to hypoglycaemia, in terms of it being "not impossible" and "foolish to deny as a possibility" but have countered it with their certain opinion that the totality of the evidence points to exogenous administration of insulin. Professor Grossman, on the other hand is more diffident. He accepts his hypothesis is highly improbable on the clinical presentation, which is consistent with exogenous insulin, and depends on the immunoassay tests being "very wrong".

Having evaluated all the evidence we conclude that Professor Grossman rightly describes his alternative hypothesis as "highly improbable". It does not create a realistic differential diagnosis. We accept Professor Heller's assessment that, absent exogenous insulin, for Mr McCarthy to have vomited whilst remaining unconscious, and then to develop such significant hypoglycaemia, would indicate a very severe infection taking hold, but which all experts agree was not apparent on admission to hospital. That assessment is corroborated by the extremely low glucose levels which were revealed on early hospital testing, indicative of high insulin, and the necessity to infuse three large boluses of glucose to stabilise glucose production. We agree with Professor Heller that Professor Grossman's posited case, that stabilisation of Mr McCarthy's production of endogenous insulin as a result of the limited infusion of broad spectrum antibiotics in the context of what would have to be such profound infective/sepsis induced hypoglycaemia to lead to the brain injury seen at post mortem is unrealistic. Dr Cowling's evidence which we regarded to be balanced and considered, supports this view.

Professor Gama's cautious approach to the immunoassay tests is not unwarranted in general terms and is acknowledged by all the experts who gave evidence before us. His evidence that the tests that were performed by Guilford and FSS would be incapable of conclusively excluding the possibility of interference in an uncertain clinical picture mirrors that of Professor Marks at trial. However, in accordance with his evidence before us, once we are satisfied

The Appellant concedes that the part of the reference that does remain, and which relates to the likelihood of an injection being administered to the deceased without his knowledge is, of itself, insufficient to undermine the safety of the conviction. Nevertheless, clearly it does provide the platform for an application for permission to appeal on other grounds which "are not related to any reason given by the [CCRC] for making the reference" pursuant to s 14(4B). The application to amend/vary the grounds of appeal which resurrects issues that the CCRC declined to refer, was initially listed for determination on submissions prior to the hearing of the appeal, but was ultimately adjourned for a 'rolled up' hearing to allow for exchange and consideration of further medical reports.

We were satisfied that there is nothing in section 14(4B) that precludes us from considering an application for permission to pursue grounds of appeal arising from reasons which have already been considered and rejected by the CCRC in deciding whether to refer the conviction to this court, and equally that there was nothing in either the statutory provision nor the authorities that requires the Appellant to demonstrate "substantial injustice" in order to succeed, as is required in 'change of law' cases. That said, we considered that the CCRC's inquisitorial role and its investigatory powers, demonstrably articulated in the comprehensive report before us, created a particularly high hurdle for the Appellant to clear when suggesting that there is 'fresh evidence' which provides a viable ground of appeal. Put shortly, the fresh grounds advanced would need to effectively establish an error in the analysis already undertaken. (See R. v. James [2018] EWCA Crim 285 @ [38 (vi), (vii)].) Nevertheless, in the somewhat unusual circumstances of this long running case, as will appear below, and with a view to accommodating the several medical experts who had been warned to attend the hearing fixed to consider the application to admit fresh evidence, it appeared to us that the most pragmatic course was to proceed to hear their evidence de bene esse, in much the same way as we would if the grounds of appeal had been based upon the CCRC reference, rather than attempt to determine the merits of the application to vary the grounds of appeal and call additional and different "fresh evidence" on the papers beforehand.

Determination: We are left in no doubt as to the high level of expertise of each of the expert witnesses, nor doubt the genuine and reasonable professional debate that has played out in the evidence. Obviously, each witness called by the Appellant is capable of belief and their evidence would have been admissible at trial. The question for us is whether it provides a ground of appeal. In answering that question, we remind ourselves of the test we must apply by reference to R v Pendleton 2001 UKHL 66, [17] – [19] and specifically: "The Court of Appeal is entrusted with a power of review to guard against the possibility of injustice but it is a power to be exercised with caution, mindful that the Court of Appeal is not privy to the jury's deliberations and must not intrude into territory which properly belongs to the jury."

On that basis, where fresh evidence is admitted, the question on appeal remains whether the conviction is unsafe. As to the approach to be adopted, at para 19 Lord Bingham continued: "…First, it reminds the Court of Appeal that it is not and should never become the primary decision-maker. Secondly, it reminds the Court of Appeal that it has an imperfect and incomplete understanding of the full processes which led the jury to convict. The Court of Appeal can make its assessment of the fresh evidence that it has heard, but save in a clear case is at a disadvantage in seeking to relate that evidence to the rest of the evidence that the jury heard. For these reasons, it will usually be wise for the Court of Appeal, in a case of any difficulty, to test their own provisional view by asking whether the evidence, if given at trial, might reasonably have affected the decision of the trial jury to convict. If it might, the conviction must be thought to be unsafe."

period. The report assessed the work of the prison's education team as notable positive practice. Take-up of social visits had been low, though the prison had introduced the incentive for families to buy prisoners a pack of items after the visit to encourage more visits.

Overall, Mr Taylor said: "Since the previous inspection there had clearly been progress, with significant improvements in prison safety. It was especially disappointing, therefore, to find such an excessively poor regime exacerbating mounting frustration, and the deterioration of well-being for many prisoners. There was a clear need for managers and local staff associations to come to an agreement about safe and credible plans that would allow the prison regime to develop and ensure outcomes for those detained improved."

Pat Finucane: No Public Inquiry Into Belfast Lawyer's Murder

BBC News: A public inquiry into state collusion in the murder of Belfast solicitor Pat Finucane will not take place at this time, the government has said. Mr Finucane was shot dead by loyalist paramilitaries from the Ulster Defence Association (UDA) in February 1989. His family had fought a long campaign, involving numerous legal actions, in a bid to have London fulfil a commitment given 20 years ago to hold an inquiry. Several examinations of the case found state forces colluded in his murder. NI Secretary Brandon Lewis said he had taken the decision due to other review processes needing to run their course. He discussed the outcome with Mr Finucane's family, shortly before outlining the details in the House of Commons. "I am not taking the possibility of a public inquiry off the table at this stage, but it is important we allow ongoing PSNI (Police Service of Northern Ireland) and Police Ombudsman processes to move forward," he said.

But Mr Finucane's widow Geraldine said the government's decision "makes a mockery" of previous rulings. "The proposal falls so far short of what it required in this case that it beggars belief," she said in a statement on Monday. "It makes a mockery of the decision by the UK Supreme Court and the forthright comments of Belfast High Court. "It is yet another insult added to a deep and lasting injury." Her son, John Finucane, who is the Sinn Féin MP for North Belfast, said his family was angry and upset at the decision. "To sit in a room with us today and present this as something credible, and ask for us to support that, it was astonishing," he said. "I thought it was exceptionally arrogant and cruel of the secretary of state on behalf of his government. "The British government, at every opportunity, will continue to make the wrong decision, and will put all of their efforts into ensuring that the truth as to what happened with the murder of my father - the full truth - will not see the light of day."

But Mr Lewis said while he understood the family's disappointment, he believed his approach was the "right way forward". The government had been forced into taking a decision following two legal actions - one involving the UK Supreme Court in February last year. The Supreme Court found there had never been an adequate investigation into the murder, but stopped short of directing a public inquiry, ruling it was entirely a matter for the government. Further government information including details that were not presented during the Supreme Court case have now been published, said Mr Lewis. Mr Lewis said the PSNI also intends to begin a process of review into the murder of Mr Finucane early next year. This was an important development and a factor in determining the next steps in the case, he said.

PSNI Chief Constable Simon Byrne said it was his organisation's view that there were "currently no new lines of inquiry", and would now determine if a further review was merited given previous investigations. Any review would need to be conducted independently, he added. "A review itself is not an investigation. Any decision to investigate would only be made following the review process," Mr Byrne said.

New Criminal Record Disclosure Rules Take Effect - For the Better?

UK Human Rights Blog: On the 28th November 2020, The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2020 ("the Order") came into force, implementing important changes to the criminal records disclosure rules in England and Wales. The criminal records disclosure regime provides information through Disclosure and Barring Service (DBS) certificates to employers about an individual's criminal record. That information is then used by employers when considering the suitability of applicants for eligible roles or work. The Order removes the requirement for automatic disclosure of youth cautions, reprimands and warnings and removes the 'multiple conviction' rule, which required the automatic disclosure of all convictions where a person has more than one conviction, regardless of the nature of their offence or sentence.

The change can be traced back to the decision of the Supreme Court back in January 2019 in the case of R (P, G & W) v SoSHD [2019] UKSC 3. In that case, the respondents had received minor cautions and convictions (such as stealing a sandwich, and failing to wear a seatbelt); their criminal records had caused problems for their employment, owing to the disclosure requirements under the Rehabilitation of Offenders Act 1974 and s.113A-B of the Police Act 1997. They brought a challenge under Article 8 ECHR. The court (Lord Sumption giving the lead judgment) held that the statutory scheme was in general lawful for the purposes of Article 8 ECHR, but that the multiple conviction rule and the 'serious offences' rule were both disproportionate.

But Lord Kerr gave a detailed dissenting judgment. He would have held current statutory scheme to be unlawful. Its "inscrutability" in terms of assessing its proportionality meant that the scheme did not involve an interference in Article 8 which was in accordance with the law (para 117). Moreover, "poverty" of the claimed justification that a bright line rule was exposed by the facts of the appeals: How can it possibly be said that it is necessary to reveal to prospective employers that someone engaged in sexual experimentation at the age of 11, when he has an unblemished record in the many years since? Or that someone was convicted of assault occasioning actual bodily harm at the age of 16, who has led a blameless life since then? Likewise, in the cases of P and Mrs Gallagher. These cases should not be consigned to the category of unfortunate casualties at the margins. They represent the significant impact that the current policy choice has on a potentially substantial number of individuals. It is entirely possible to draw the boundaries for disclosable information at a level that would exclude persons such as the respondents in this case. I consider, therefore, that the disclosure of the criminal records of the four respondents is plainly disproportionate. (paras 189-90) He recommended introducing a review mechanism similar to that used in Northern Ireland (para 174).

In July 2020, the Government announced that, following a careful consideration of the Supreme Court's judgment, it would be introducing a new regime which strikes the balance between the needs of protecting people, especially the most vulnerable and children, while ensuring those who have reformed after committing offences are not disproportionately hindered by previous wrongdoing.

Amendment To The Police Act 1997: The Order makes amendment to the Police Act 1997 ("the Act"). Under the Act, a "relevant matter" is defined as a matter which, if it is recorded in central records, must be disclosed by the Disclosure and Barring Service in response to an application for a criminal record certificate or an enhanced criminal record certificate. (a) Under Article 2 of the Order, S.113A of the Act is amended as follows—in subsection (6)(2), in the definition of "relevant matter" as it has effect in England and Wales—(i) in paragraph (a), for "in relation to a person who has one conviction only" substitute "any of the following

Inspectors were surprised to find that the basic level of the behaviour management incentives policy had been maintained for low-level transgressions, including limits on spending ability and occasional withdrawal of televisions. "Given the already very restricted regime, this was unjustifiably punitive," Mr Taylor commented. The level of violence was slightly lower than before the restricted COVID-19 regime, though with a few significant spikes in incidents in the summer. Use of force by staff had similarly fluctuated and inspectors were pleased that governance had improved significantly.

Self-harm had increased in the months since the restricted regime had started and there had been four self-inflicted deaths since the last full inspection, one during the COVID-19 period. The prison was attempting to address outstanding Prisons and Probation Ombudsman (PPO) recommendations, following investigations into deaths, but some critical concerns had still not been effectively resolved. However, the Listener scheme was operating well and had been sustained throughout the pandemic – a significant achievement. More than half of prisoners said they had mental health problems.

Inspectors saw some professional, good-natured and supportive interactions between staff and prisoners but also occasions where staff were dismissive and unhelpful and, in one case, verbally abusive. A key concern for inspectors was the inadequate treatment and conditions for prisoners with disabilities. The layout of Pentonville prevented sufficient access to facilities and some prisoners, especially wheelchair users, could not go outside. "This was wholly unacceptable," Mr Taylor said.

Family support work was good and the reintroduction of visits had been managed well, with sensible and proportionate supervision. However, take up remained low and less than a fifth of prisoners said they had seen their families in person or via video-calling in the previous month. Inspectors were particularly concerned that more than half the prisoners released in the previous six months did not have settled accommodation and about 14% of these were released with no fixed abode.

Mr Taylor said: "Managers, staff and prisoners at Pentonville had shown resilience in managing the demands of the pandemic in an institution with many pre-existing problems. There were signs that the pandemic had focused the minds of staff and that the positive direction that the governor and senior management team had set was starting to have an effect. Prisoners already faced a challenging prison environment, and the high levels of mental health need reflected the additional negative impact of the pandemic. A sustained focus on our recommendations will be essential if the deep-rooted problems facing the prison are to be overcome.

Deborah Winzar CCRC Referral to Court of Appeal - Knocked Down

Court of Appeal: Deborah Winzar ("the Appellant") was convicted on 19 July 2000 of the murder of her husband, Dominic McCarthy, who died on 9 February 1997. She was sentenced to life imprisonment, with a minimum term of 15 years, now served. The case comes before us, primarily, by reference of the Criminal Cases Review Commission ("CCRC") pursuant to s 9(2) of the Criminal Appeal Act 1995, who certified on 19 July 2016 that " [t]here is fresh evidence that the deceased may have died from natural causes ..[which]… goes to the heart of the Prosecution case. The jury might reasonably have acquitted had the evidence been available at trial." However, whilst the ambit of the s 9(1) appeal remains intact, part of the original case has been abandoned following the receipt of a Consultant Neuropathologist's report, confirming the nature of the brain injury sustained by the deceased, after which the medical expert consulted by the CCRC on the possibility of death arising from a specified natural cause became redundant to the appeal. So it is that we are asked to determine a different case to that originally predicated on the medical evidence considered by the CCRC, by granting leave to amend the grounds of appeal pursuant to s14 (4B) of the Criminal Appeal Act, 1995 and to hear 'new' medical evidence on issues which the CCRC declined to refer.

prisoners is rising. "Whether detained under their original sentences or recalled, however, they all now, together with their families, exist in a Kafkaesque world of uncertainty, despair and hopelessness, indefinitely detained unless and until they are able to satisfy the inevitably difficult test of persuading the Parole Board that they can safely be (re)released," Brown said. "Our reputation as a just nation demands that this IPP stain be at last eradicated." IPPs were designed to detain indefinitely serious offenders who were perceived to be a risk to the public. The government expected about 900 people to be jailed under IPPs; it peaked at more than 8,000. They were used far more widely than intended and issued to offenders who committed low-level crimes.

The report, written by Dr Kimmett Edgar, Dr Mia Harris and Russell Webster for the Prison Reform Trust, said the indefinite nature of the IPP licence meant it was possible the number of people on IPP sentences in prison could remain the same or even increase for the foreseeable future. Interviews with individuals who had been recalled to prison under an IPP licence revealed that most had not been convicted of a subsequent offence when they were recalled but had often been recalled for poor behaviour that fell short of illegal activity. A Ministry of Justice spokesperson said: "All of these offenders were considered by an independent judge to pose a high risk to the public and that's why it falls to the Parole Board to decide whether it is safe for them to be released. The number of IPP prisoners has fallen by two-thirds since 2012."

HMP Pentonville – Fragile Improvement but Many Challenges Remain

HMP Pentonville in north London, one of the country's oldest and busiest prisons, was assessed by inspectors from HM Inspectorate of Prisons (HMI Prisons) as having made "tangible, if fragile, progress" after a highly critical full inspection in 2019. Inspectors conducted a scrutiny visit (SV) at the Victorian prison in October and November 2020 and found the management team had addressed some poor cell conditions and strengthened the governance of use of force by staff. They also commended the use of Listeners – prisoners trained by the Samaritans – to support vulnerable prisoners during the COVID-19 period.

However, Charlie Taylor, HM Chief Inspector of Prisons, said the prison, which is largely unchanged structurally in nearly 180 years, epitomised the challenges confronting ageing, inner-city prisons holding transient populations with varied needs. "Pentonville was already an institution of significant concern before the pandemic. This was reflected in poor findings at the previous full inspection in April 2019 and a subsequent independent review of progress in February 2020. At this scrutiny visit, it was pleasing to find that there had been some tangible, if fragile, progress. To the prison's credit, it had continued to focus on the key priorities we had set out at the last inspection, while managing the additional problems created by COVID-19. At the start of the pandemic, the prison had suffered some deaths among staff. At the time of our visit, there were no confirmed staff or prisoner cases."

The prison remained overcrowded and under-staffed. Social distancing was all but impossible in some areas and inspectors saw few attempts by staff to socially distance even where it was achievable. Prisoners were worried about the risk of the COVID-19 virus being brought in from the outside and concerned that staff did not take the risk seriously enough. They had co-operated with the extreme restrictions of the early pandemic period, but the continued very limited time out of cell was having a negative impact. Mr Taylor added: "Unemployed prisoners generally had no more than 45 minutes a day out of their cells, and we received many comments about the impact of such confinement on prisoners' health and wellbeing." Only around 23% of prisoners were employed and only 16% said they could shower every day, which inspectors assessed as "very poor."

convictions"; (ii) omit paragraph (b); and (iii) in paragraph (c), after "subsection (6D)" insert "where the person was aged 18 or over on the date it was given"; (b) in subsection (6E)(3), for the purposes of the definition of "relevant matter" omit paragraph (d)(ii) and the preceding "or".

Effect of the Order: By narrowing the definition of "relevant matter" for the purposes of the Act, the Order has two significant effects: 1. Youth Cautions: No Youth Cautions, Youth Conditional Cautions, Reprimands or Warnings received in childhood will be automatically disclosed on standard or enhanced DBS checks. This will be the case regardless of the offence. 2. Multiple Convictions: The 'multiple conviction rule' no longer has effect. That rule previously required the automatic disclosure of all convictions where a person has more than one conviction, regardless of the nature of their offence or sentence. Under the new regime, convictions can be filtered from standard and enhanced DBS checks after the relevant time period has passed, even if there is more than one conviction or offence on record. This remains subject to the proviso that the offence is eligible and didn't lead to a suspended or actual prison sentence. The time periods after which a spent conviction will no longer be disclosed have not changed (11 years unless under 18 when convicted, then it is 5 and a half years). The full list of offences that cannot be filtered remains unchanged and can be found here.

Commentary: Despite the regime changed being rooted in an adverse court ruling on human rights grounds, the tone of Government announcements has been optimistic and constructive. Introducing the measures back in July, Safeguarding Minister Victoria Atkins said: By making these adjustments we will ensure that vulnerable people are protected from dangerous offenders while those who have turned their lives around or live with the stigma of convictions from their youth are not held back.

Unsurprisingly, the change has been welcomed by campaigning groups, who have been working with the Ministry of Justice since the judgment of the Supreme Court in 2019. Jennifer Twite, Head of Strategic Litigation at Just for Kids Law, said: Every year, about 25,000 youth cautions are disclosed in criminal record checks, most of which are for incidents that happened over five years ago. This new legislation will help to ensure that no child who is given a caution ends up with a lifelong criminal record that robs them of the chance to get their lives back on track.

Some, however, do feel that the changes could have gone further. Christopher Stacey, Co-director of Unlock, said: The changes […] are a crucial first step towards achieving a fair system that takes a more balanced approach towards disclosing criminal records. However, we are still left with a criminal records system where many people with old and minor criminal records are shut out of jobs that they are qualified to do. We found that over a five year period, 380,000 checks contained childhood convictions, with 2,795 checks including convictions from children aged just ten. Many of these childhood convictions will continue to be disclosed despite these changes.

Guildford Pub Bomb Police Took Action to Keep Files Closed

BBC News: The police force investigating the Guildford pub bombs has been accused of a conflict of interest after it took legal action to keep archives closed. More than 700 files on the 1974 IRA bombs had been due to open this year but were retained by the Home Office. Inquest papers have shown Surrey Police applied for the files to stay closed. A retired lawyer said police, who are compiling archives for the inquest, had a conflict of interest. Police said it was an independent government decision. Two bombs went off in Guildford on 5 October 1974, killing five people and injuring 65.

Eleven people - the Guildford Four and Maguire Seven - were wrongly-convicted. Files from an inquiry by retired judge Sir John May have remained closed for decades.

In December 2019, the Home Office retained the files because of any impact... on future

inquest proceedings and investigations. Papers showed Surrey Police "submitted an application for the material to remain closed" which was also on behalf of the Met Police and Avon and Somerset Police, which had files in the archive. Alastair Logan, who represented the Guildford Four, said Surrey Police's action was not publicly known, adding: "It supports the contention KRW Law put down that there is a conflict of interest in whether they are dealing with it from a Surrey Police point of view and not from the point of view of the inquest." KRW Law is representing the family of Ann Hamilton, who was killed in the attacks.

A Surrey Police report said the closure was "not for an indefinite period and will last for three years", adding the National Archives had requested an update next July. However, Mr Logan said he was informed of closures from 75 to 100 years, adding: "The three-year closure is something which has never been mentioned before and... needs to be explained." A Surrey Police spokeswoman said the Home Office contacted the force regarding a review.

Loyalist Paramilitary Groups in NI 'Have 12,500 Members'

There are an estimated 12,500 members of loyalist paramilitary groups in NI, a leaked security assessment has shown. Briefings, obtained by BBC NI's Spotlight programme, cover all the paramilitary groups and are based on PSNI and MI5 intelligence. The assessment says there are about 7,500 people in the UVF and 5,000 in the UDA. Although many are not active, sources say they are still "card carrying" members.

Last month, the Independent Reporting Commission (IRC) warned paramilitary groups still pose a "clear and present danger" to Northern Ireland. Set up by the UK and Irish governments, the Commission provides an annual assessment of progress towards ending paramilitarism, and has called for a process to begin to disband the groups. That recommendation is now backed by former Secretary of State Lord Mandelson. He has spoken to Spotlight about talks he was involved in with the UVF leadership, earlier this year.

The leaked threat assessment says the Provisional IRA still exists; there are now a dozen paramilitary groups - more than during the Troubles - and seven of these groups are dissident republican. This is the first full assessment to emerge publicly, since 2015, when the British Government set out the position with all the different groups, following the IRA murder of Belfast man Kevin McGuigan. At that time, the Stormont Executive almost collapsed but was saved by the assessment which said the Provisional IRA was wholly committed to the political process. The new assessment says this is still the position and the IRA is in a much-reduced form and not recruiting or training. But it also says the organisation still has access to weapons.

UK Rebuked Over Failure To Enforce Troubles Court Rulings

Owen Bowcott, Guardian: Europe says,UK has not carried out effective inquiries into killings as required by ECHR, Council of Europe. The Council of Europe has issued a stinging rebuke to the UK over its failure to enforce judgments by the European court of human rights (ECHR) involving security force killings and suspected collusion cases in Northern Ireland. In a resolution published on Thursday, the Council of Europe, which oversees the ECHR, expressed "profound concern" at the government's failure to effectively investigate legacy cases from the Troubles, including the 1989 murder of the Belfast solicitor Pat Finucane.

The committee of ministers made a formal request for the UK to provide further information on several cases by 25 January. It comes only days after the Northern Ireland secretary, Brandon Lewis, refused to hold a public inquiry into Finucane's death. The solicitor was

shot dead by loyalist gunmen in front of his wife and three children. It later emerged that Brian Nelson, who directed the attacks, was an agent controlled by the British army's force research unit. The committee of ministers regularly assesses the implementation of ECHR judgments. It has become increasingly concerned over what it sees as the UK's failure to enforce rulings requiring effective investigations into controversial killings during the Troubles.

The resolution relates to eight separate Northern Ireland judgments handed down by Strasbourg judges, some dating back to 2001, which the committee believes have been sidelined or not enforced by the UK. As well as the ruling in Finucane's case, they include the ECHR decision on Gervaise McKerr, who was shot dead, along with two others, in 1982 by Royal Ulster Constabulary officers. Their car was riddled with 109 rounds as they drove through County Armagh. The resolution says that "in these judgments, the [ECHR] found procedural violations of article 2 [the right to life] of the [European convention on human rights] due to various shortcomings in the investigations into the deaths …" The deaths were "in Northern Ireland in the 1980s and 1990s, either during security force operations or in circumstances giving rise to suspicion of collusion in their deaths by security force personnel".

The committee said it accepted that many measures had been adopted following the judgments, but "questions are still outstanding, particularly regarding the functioning of the Office of the Police Ombudsman of Northern Ireland, … delays in inquest proceedings in legacy cases [and because] the historical enquiries team was disbanded in 2014". The resolution highlighted "information provided very shortly before" its last meeting by the UK government over its refusal to hold a public inquiry into Finucane's killing. A UK supreme court judgment in 2019 also criticised the investigation into his death as inadequate. The Strasbourg committee said it would consider whether to reopen its assessment of the case. It "recalled with profound regret that the inquests and investigations in the cases of McKerr, Shanaghan, and Kelly and others [from the 1980s] have still not been completed". The statement concluded by calling "upon the authorities to follow up on their previous commitments to publish and introduce legislation in the United Kingdom parliament to implement the Stormont house agreement to address legacy issues. [It also] decided to resume examination of these cases, and all relevant developments [at its next meeting in March] and invited the [UK] authorities to submit detailed information on all of the above issues by 25 January 2021."

Indefinite Sentences 'Greatest Single Stain On Justice System'

Jamie Grierson, Guardian: A former supreme court justice has called for urgent action in dealing with prisoners languishing under indefinite sentences, branding the now defunct scheme "the greatest single stain on our criminal justice system". Lord Brown, a justice of the supreme court between 2009 and 2012, said the imprisonment for public protection (IPP) regime, under which offenders were handed a minimum term but no maximum term, required "long overdue" reform. Despite the use of the sentencing power being scrapped in 2012, more than 3,200 prisoners remain locked up under the regime, including those who have been recalled to prison, prompting critics to brand it the "never-ending sentence".

Writing in a foreword to a report on the impact on those recalled under the IPP regime, Brown said: "I have no hesitation in describing the continuing aftermath of the ill-starred IPP sentencing regime as the greatest single stain on our criminal justice system." IPP sentences are attached with an indefinite licence period, meaning released offenders face recall to prison for the rest of their lives. While the number of unreleased prisoners is falling and stands at around 1,895, the number of recalled