

Baroness Newlove of Warrington
Victims' Commissioner for England and Wales

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The Rt Hon Shabana Mahmood MP
Lord Chancellor and Secretary of State for Justice
Sent by email: PS.LordChancellor@justice.gov.uk

Thursday 15th May 2025

Dear Lord Chancellor

FIXED TERM RECALL ANNOUNCEMENT

I am writing to you to express my concern over the announcement yesterday to restrict recalls for offenders serving up to 48 months to a fixed term of 28 days.

I understand the current prison population crisis has necessitated the government having to implement a number of early release measures to ensure the prison estate operates within capacity. This has required difficult decisions that no Minister would ever choose to make. For this reason, over the past 12 months, I have restricted my public responses to focusing on the need to protect victims and the wider public.

I realise there are no easy options. That said, given my concerns about victim safety, I am genuinely struggling to understand why this specific group of offenders has been targeted for early release:

- All of those serving a sentence of 4 years will have committed serious offences, including sexual and violent offences. Many will be repeat offenders.
- By virtue of being recalled, they will have demonstrated poor levels of compliance with community supervision. Government guidance to offender managers states that other options should always be considered, such as additional licence conditions before seeking recall. In other words, recall is normally a last resort.

- These offenders will have been (or would be under the existing regime) deemed unsuitable, by both the Probation Service and the Secretary of State, for a fixed term recall, on the grounds they present an unacceptable risk to the public.
- Many of the offenders whose recalls will now be converted to fixed-term will already have had their cases considered by the Parole Board – and not been directed for release. In each case, the Board will have applied the public protection test and concluded that it remained necessary to keep the individual in custody to protect the public.

In short, we are re-releasing a group of offenders assessed as high risk and with a track record of poor compliance. These high maintenance offenders are all being re-released at a time when the Probation Service is already struggling to cope with the huge demands being placed upon it.

For these reasons, I am very concerned about the implications for both victim and wider public safety. Can you tell me what safeguards will be put in place to protect victims and uphold public trust.

I am also worried about the cumulative impact of these short-term, stop-gap measures on victim confidence in our justice system. With each announcement, there is always a perception that this will be the last, only to be disappointed.

I am conscious it will be another 12 months before the “Gauke reforms” can be implemented. It is reasonable to assume further measures will be required to get us through this crisis. It is so important we offer victims a clear narrative on how we plan to get sentencing onto a sustainable footing, whilst offering them the protection they rightly deserve.

In my statement issued yesterday, I stated I would be writing to you to set out my concerns. Therefore, I will be placing a copy of this letter on my website.

Your sincerely,

A handwritten signature in black ink, appearing to read 'Helen', with a long, sweeping underline that extends to the left and then curves back towards the right.

Baroness Newlove
Victims' Commissioner for England and Wales