

**Policy name:** Managing Parole Eligible Offenders on Licence Policy Framework

**Reference:** N/A

**Re-Issue Date:** 10 May 2023

**Implementation Date:** 11 November 2020

**Replaces the following documents (e.g. PSIs, PSOs, and Custodial Service Specs) which are hereby cancelled:**

- PI 08/2015 - Managing Indeterminate Sentenced Offenders on Licence

**Introduces amendments to the following documents:** N/A

**Action required by:**

<input checked="" type="checkbox"/>	HMPSS HQ	<input type="checkbox"/>	Governors
<input type="checkbox"/>	Public Sector Prisons	<input checked="" type="checkbox"/>	Heads of Group
<input type="checkbox"/>	Contracted Prisons	<input checked="" type="checkbox"/>	Contract Managers in Probation Trusts
<input checked="" type="checkbox"/>	The Probation Service	<input type="checkbox"/>	HMPSS-run Immigration Removal Centres (IRCs)
<input checked="" type="checkbox"/>	HMPSS Rehabilitation Contract Services Team	<input type="checkbox"/>	Under 18 Young Offender Institutions
<input checked="" type="checkbox"/>	Other providers of Probation and Community Services	<input type="checkbox"/>	

**Mandatory Actions:** All groups cited above must comply with the Requirements Section of this Policy Framework, which contains all mandatory actions. Whilst this Framework sets out the actions for which the Parole Board is responsible, the Framework does not bind the Parole Board in any way as it is an internal policy document of the Ministry of Justice.

Nothing in this policy framework prevents the Secretary of State from taking any action with respect to the management of Parole Eligible individuals on licence which, in exceptional circumstances, is considered to be necessary and proportionate for the protection of the public, the prevention of re-offending or securing the successful reintegration of the individual into the community.

Where such action is taken, those acting on behalf of the Secretary of State will continue to apply the principles and requirements set out in this policy framework as far as practicable

**For Information:** Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

All references to "individual/individuals on licence" within this Framework also refers to those young individuals on licence/children who have been released on licence and are subject to any of the sentences detailed in section 1.1.

All references to 'Imprisonment for Public Protection (IPP)' within this framework also refers to Detention for Public Protection (DPP).

**Audit/monitoring:** Her Majesty's Prison and Probation service (HMPPS) Prison Group Directors, the Director of the Probation Service and Youth Offending Teams (YOT) in England and Director of HMPPS in Wales will monitor compliance with the mandatory requirements set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated requirements as required in the contract.

**Resource impact:** The majority of requirements laid out in this Framework are designed to have a minimal impact on resources. Within this Framework there are a number of revised processes that largely do not have resource implications for prisons or the Probation Service.

Probation Service Lifer panels are currently mandated annually. This framework aligns with that approach and so should not present additional resource commitments for the Probation Service. Probation Service IPP Progression panels are already in place and so will also be in a position to comply with this framework. Also, the framework mandates that the new threshold for applying for suspension of supervision will be 5 continuous years for all IPP offenders and raised to 10 continuous years for all life sentenced offenders. These changes will not apply retrospectively. The changes in the minimum period and frequency of supervision mandated by this policy will, however, generate a small but manageable impact on staff time.

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**Approved by OPS for publication:** Sonia Flynn and Michelle Jarman-Howe, Joint Chairs, Operational Policy Sub-board, October 2020

**Rewrites:**

Date	Changes
21/07/22	Removal of all references to CRC following the Probation Service unification. All references to NPS amended to Probation Service. Chapters 3.5 and 5.5 has been updated to reflect the changes brought in by the Police Crime Sentencing and Courts (PCSC) Act 2022.
01/09/22	Update to para 5.6.4
05/04/23	Updates made to Framework Hyperlinks at paragraphs 5.3.1, 5.4.2 and 5.5.1.
10/05/23	Update to paragraph 3.5.10.

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## **1. Purpose**

- 1.1 The purpose of this Framework is to set out the mandatory actions which the Probation Service and Public Protection Group (PPG) must complete for all indeterminate sentenced individuals on licence and parole-eligible determinate sentenced individuals on licence, which include:
  - 1.2 All Indeterminate Sentenced Prisoners (ISP), Extended Determinate Sentence (EDS) prisoners, Sentences for Offenders of Particular Concern (SOPC), Discretionary Conditional Release (DCR) sentenced individuals, Terrorist Offenders and those standard determinate sentenced prisoners subject to the Power to Detain protocol, where the Parole Board makes the release decision, either initially or after recall and any variation to those conditions set on by the Board.
  - 1.3 Where any release is automatic or there is an executive release by the Secretary of State then the Secretary of State will set the licence conditions and be responsible for any variation of them. These individuals will have their licences managed by Probation Service local arrangements and are not covered by this Framework.

## **2. Outcomes**

- 2.1 This Framework aims to achieve the following:

- To provide all participants with clear understanding of and timescales for their part of each relevant process;
- To ensure all decisions are made in line with the Equality Act 2010, and HMPPS Equalities policy;
- To provide practitioners with clear instructions on the process for seeking to reduce or increase the frequency of supervision sessions;
- To provide a clear and effective process to make applications to the Parole Board to vary licence conditions of individuals released from life sentences, sentences of Imprisonment for Public Protection (IPP) or parole eligible determinate sentences;
- To provide a clear and effective process for making applications to the Parole Board to suspend/re-impose the supervision requirements in licences of individuals released from life or IPP sentences;
- To provide practitioners with clear guidance as to when an application to suspend/re-impose supervision should be submitted;
- To provide a clear and effective process for making automatic referrals to the Parole Board to terminate the licence of eligible IPP individuals
- To ensure that victims are provided with clear and relevant information regarding the applications set out in this Framework and to ensure they are informed of developments as required;
- To provide the Parole Board with a dossier which provides a robust and current assessment of the individual's risk and which is comprised of good quality reports produced by authors with a good understanding of the case, thereby assisting the Parole Board to make an informed decision; and
- To provide a process which facilitates the timely and efficient disclosure of information to enable the prisoner to submit representations to the Parole Board.

### **3. Requirements**

When making decisions on a case-by-case basis, staff will ensure that individuals are not treated less favourably due to protected characteristics as outlined in the Equality Act 2010. This includes where there is mention of considering ‘exceptional circumstances’ within this policy framework.

#### **3.1 Managing Indeterminate Sentenced Individuals on Licence in the Community**

This section of the Policy Framework applies only to indeterminate sentenced individuals on licence.

<b>Frequency of Supervision for indeterminate Individuals on licence (Lifer and IPP)</b>		<b>Action By</b>
3.1.1	Community Offender Managers (COMs)/Probation Practitioners will supervise all indeterminate sentence individuals at least monthly until they have spent at least 5 continuous, successful years in the community (see guidance paragraph 5.1).	Probation Service YOT
3.1.2	Following re-release, in cases where a decision to recall an individual is rescinded and the recall is effectively cancelled, the 5-year period will not restart for the purposes of measuring a continuous period spent in the community on licence.	Probation Service YOT
3.1.3	Following re-release, where cases proceed to the Parole Board following recall and the Parole Board directs re-release, the recall decision still stands and the 5-year period will restart. If COMs/Probation Practitioners consider that exceptional circumstances apply and the 5-year period should not re-start, they will submit the case to a Lifer Panel for a decision, or, in IPP cases, a recommendation to the responsible Head of Service/Probation Delivery Unit (PDU) or equivalent via an IPP Progression Panel. It is for Lifer/IPP (responsible Head of Service/PDU or equivalent) Panels to decide whether exceptional circumstances apply in individual cases.	Probation Service YOT
3.1.4	For individuals subject to a life licence where, following 5 continuous years in the community, COMs/Probation Practitioners consider that a reduction in the frequency of supervision to less than monthly is appropriate, a Lifer Panel will consider the application and will reach a decision on whether to approve a reduction.	Probation Service YOT
3.1.5	For individuals subject to an IPP licence, where following 5 continuous years in the community, COMs/Probation Practitioners consider that a reduction in the frequency of supervision to less than monthly is appropriate, an IPP Progression Panel will consider the application and will submit a recommendation to the responsible Head of Service/PDU or equivalent, who will take the final decision.	Probation Service YOT
3.1.6	For individuals subject to a life licence, if COMs/Probation Practitioners consider that exceptional circumstances apply and an individual's supervision should be reduced to less than monthly before they have spent 5 continuous, successful years in the community, they will submit the case to a Lifer Panel for a decision. It is for Lifer Panels to decide whether exceptional circumstances apply in individual cases.	Probation Service YOT

3.1.7	For individuals subject to an IPP licence, if COMs/Probation Practitioners consider that exceptional circumstances apply and an individual's supervision should be reduced to less than monthly before they have spent 5 continuous, successful years in the community, they will submit the case to an IPP Progression Panel. The panel will make a recommendation to the responsible Head of Service/PDU or equivalent who will take a final decision. It is for the responsible Head of Service/PDU or equivalent to decide whether exceptional circumstances apply in individual cases.	Probation Service YOT
3.1.8	If COMs/Probation Practitioners consider that an increase in the frequency of supervision is required, this decision will be taken within the Probation Service division, and will not require Life or IPP Progression Panel consideration.	Probation Service YOT
3.1.9	COMs//Probation Practitioners will consider frequency of supervision in accordance with Risk of Serious Harm (RoSH) levels and agreed Risk Management Plans (RMP)/Sentence Plans.	Probation Service YOT
3.1.10	On submitting a request to reduce supervision to less than monthly, COMs/Probation Practitioners must provide the Lifer/IPP Progression Panel (and Head of Service/PDU or equivalent) with clear justification for the decision.	Probation Service YOT
3.1.11	COMs/Probation Practitioners will seek the view of the victim, or the victim's family/significant people engaged in the Victim Contact Scheme, in advance of taking a case to a Lifer/IPP Progression Panel.	Probation Service YOT

### 3.2 Parole Eligible Licence Variation

This section of the Policy Framework applies to all individuals identified in paragraph 1.1 of this Framework, where they have been released into the community subject to licenced supervision, with conditions set by the Parole Board.

Application for Variation	Action By
3.2.1 Where the COM/Probation Practitioner considers it necessary to vary an individual's licence, the COM/Probation Practitioner must complete the Licence Variation Report (available on NDelius) and submit it to the Public Protection Casework Section (PPCS). The report must specify the conditions to be removed/added/amended and provide full reasons. For exclusion zone conditions, a map must be provided.  Further guidance on licence condition variation can be accessed in the Licence Conditions Policy Framework via this link.	Probation Service YOT
3.2.2 The endorsement procedures set out in the Licence Variation Report must be followed.	Probation Service YOT
3.2.3 Where time allows, the COM/Probation Practitioner must ensure that the variation request has been discussed with the individual prior to submitting the request to PPCS.	Probation Service YOT

3.2.4	<p>Where the COM/Probation Practitioner identifies that the individual will require documents to be translated, (including the BSL language translators) for example due to a disability or language barrier, they must ensure that PPCS is notified as soon as possible. Whether the COM/Probation Practitioner, the individual or anyone else informs PPCS, PPCS will notify the Parole Board at the point of referral so that where required reasonable adjustments, where possible, can be made.</p> <p>Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link.</p> <p>It is the responsibility of HMPPS to arrange for the translation of HMPPS documents.</p> <p>Where the individual is in prison custody, the prison must ensure that PPCS is notified of the need for translation. In these cases, it is the responsibility of the prison to arrange for the translation of HMPPS documents.</p>	Probation Service YOT Prison PPCS
3.2.5	The COM/Probation Practitioner must inform the individual that they have 7 days to submit representations in respect of the application and ask them to complete the representations form attached to the Licence Variation Report. Should the individual provide their own representations then the COM/Probation Practitioner must submit these to PPCS together with the report. See guidance section 5.2.5 for further information.	Probation Service YOT
3.2.6	The Victim Liaison Officer (VLO) must be asked and must confirm that any application to vary any victim related conditions has been fully explored with the relevant victim. Any representations and views must be included in the "Victim(s) issues" section of the Licence Variation Report.	Probation Service YOT
<b>Referral to the Parole Board and the Parole Board's Decision</b>		<b>Action By</b>
3.2.7	Upon receipt of a fully completed application, PPCS is responsible for compiling and formally referring the dossier to the Parole Board. Unless there are exceptional circumstances, PPCS must not submit the dossier to the Parole Board until the individual's representations have been received, or, if none have been received, until the 7-day deadline for representations has expired. PPCS must submit the individual's representations to the Parole Board whenever they are received, unless the Parole Board have already issued their decision.	PPCS
3.2.8	The Parole Board will issue the decision to PPCS.	Parole Board
3.2.9	Upon receipt of the decision, where the variation is agreed, PPCS will issue the Parole Board Decision and variation order to the COM/Probation Practitioner and legal representative (where applicable).	PPCS
3.2.10	Where there have been variations to victim related conditions, the COM/Probation Practitioner must ensure that the VLO is notified of the Parole Board's decision. The VLO must ensure that the victim is informed as soon as possible.	Probation Service YOT
3.2.11	The COM/Probation Practitioner must ensure that the decision and variation order are disclosed and explained to the individual as soon as possible.	Probation Service YOT

### **3.3 Applications to Suspend Supervisory Conditions of an Indeterminate Licence**

This section of the Policy Framework only applies to indeterminate sentenced individuals on licence.

<b>Application to suspend the Supervisory Conditions of an Indeterminate Licence</b>		<b>Action By</b>
3.3.1	A Lifer Panel must consider all applications from COMs/Probation Practitioners to suspend the supervisory conditions of a life licence only after 10 continuous years have been spent in the community, other than in exceptional circumstances (see 3.3.3). A Lifer panel, chaired by the Head of Service/PDU, will decide whether applications should be endorsed.	Probation Service YOT
3.3.2	An IPP Progression Panel must consider all applications from COMs/Probation Practitioners to suspend the supervisory conditions of an IPP licence only after 5 continuous years have been spent in the community, other than in exceptional circumstances (see 3.3.3). An IPP Progression Panel will decide whether applications should be endorsed and will submit a recommendation to the responsible Head of Service/PDU or equivalent for a decision on whether the application will be submitted to PPCS.	Probation Service YOT
3.3.3	A Lifer/IPP Progression Panel may consider cases for suspension of supervision ahead of the 10-year point (5 years for IPP licences) only where exceptional circumstances have been evidenced. It is for Lifer Panels/responsible Head of Service/PDU or equivalent (in IPP cases) to consider whether exceptional circumstances apply in individual cases.	Probation Service YOT
3.3.4	The COM/Probation Practitioner must ensure that the VLO is notified of the application prior to submitting the application to the Lifer/IPP Progression Panel. The VLO must contact the victim for their views on the application.	Probation Service YOT
3.3.5	Where there are victim-related conditions such as an exclusion zone(s) and no-contact requirements, the victim(s) must be consulted for their views. Should they request that these conditions remain on the licence then the COM/Probation Practitioner must consider this request sympathetically, taking into account any emotional harm for the victim that may arise.	Probation Service PPCS
3.3.6	A Lifer Panel/ Head of Service/PDU or equivalent (following recommendation by an IPP Progression Panel for IPP cases) must consider representations from the victim before deciding whether to agree to an application being made to the Parole Board.	Probation Service YOT
3.3.7	COMs/Probation Practitioners must give appropriate consideration to Multi Agency Public Protection Arrangements (MAPPA) as part of the process of building evidence to support an application for the suspension of supervisory conditions, ahead of submitting a case to a Lifer/IPP Progression Panel.	Probation Service YOT
3.3.8	A full OASys/Asset risk assessment must be in place which shows the relative progress of the individual against their sentence plan, and that the risk management plan (RMP) is	Probation Service YOT

	robust and sufficient to manage the individual's identified risks without supervision. Where an individual is assessed as posing a low risk of serious harm at the point of the application, a full RMP is not required.	
3.3.9	A contingency plan must form part of the RMP to ensure that there are measures in place to manage any re-emergence of risk related behaviours, and this must be shared with the individual so they may take the appropriate action under these circumstances.	Probation Service YOT
3.3.10	Where the application to suspend the supervisory conditions of an indeterminate licence is endorsed by the Lifer Panel/ Head of Service/PDU or equivalent (following recommendation by an IPP Progression Panel for IPP cases), the COM/Probation Practitioner must complete the Suspension of Supervision Report (available on N-Delius) and submit this to PPCS. See constraint paragraphs 4.4.1 to 4.4.2 and guidance section 5.3 for further information.	Probation Service YOT
3.3.11	The endorsement procedures set out in the Suspension of Supervision report must be followed.	Probation Service YOT
3.3.12	The COM/Probation Practitioner must ensure that the suspension request has been discussed with the individual prior to submitting the request to PPCS.	Probation Service YOT
3.3.13	Where the COM/Probation Practitioner identifies that the individual will require documents to be translated, (including the BSL language translators) for example due to a disability or language barrier, they must ensure that PPCS is notified as soon as possible. Whether the COM/Probation Practitioner, the individual or anyone else informs PPCS, PPCS will notify the Parole Board at the point of referral so that where required reasonable adjustments, where possible, can be made.  Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link.  It is the responsibility of HMPPS to arrange for the translation of HMPPS documents.  Where the individual is in prison custody, the prison must ensure that PPCS is notified of the need for translation. In these cases, it is the responsibility of the prison to arrange for the translation of HMPPS documents.	Probation Service YOT Prison PPCS
3.3.14	The COM/Probation Practitioner must inform the individual that they have 7 days to submit representations in respect of the application and ask them to complete the representations form, attached to the Suspension of Supervision Report. Should the individual provide their own representations then the COM/Probation Practitioner must submit these to PPCS together with the report. See guidance section 5.3.8 for further information.	Probation Service YOT
3.3.15	Any requests to suspend licence conditions as part of the overall suspension of an ISP licence which has active victim involvement must be approved by the Head of PPG. (See requirement paragraph 3.3.4)	PPCS

3.3.16	In all other cases PPG will decide if cases will be submitted to the Parole Board for consideration.	PPG
<b>Referral to the Parole Board and the Parole Board's Decision</b>		<b>Action By</b>
3.3.17	Upon receipt of the application, PPCS is responsible for compiling and formally referring the case dossier to the Parole Board. Unless there are exceptional circumstances, PPCS must not submit the dossier to the Parole Board until the individual's representations have been received, or, if none have been received, until the 7-day deadline for representations has expired. PPCS must submit the individual's representations to the Parole Board whenever they are received, unless the Parole Board have already issued their decision.	PPCS
3.3.18	The Parole Board will issue the decision to PPCS.	Parole Board
3.3.19	PPCS will issue the Parole Board Decision and variation order to the COM/Probation Practitioner and legal representative (where applicable).	PPCS
3.3.20	The COM/Probation Practitioner must ensure that the VLO is notified. The VLO must ensure that the victim is notified of the decision as soon as possible.	Probation Service YOT
3.3.21	The COM/Probation Practitioner must ensure that the decision and variation order is disclosed to the individual as soon as possible.	Probation Service YOT

#### 3.4 Re-imposition of Supervision

This section of the Policy Framework only applies to those indeterminate sentenced individuals who have had the supervisory conditions of their licence suspended.

<b>Application for Re-imposition of Supervision Element of an Indeterminate Licence</b>		<b>Action By</b>
3.4.1	Where it is deemed appropriate to reinstate active supervision of a lifer, a timely Lifer Panel will be convened to consider the evidence and to take a decision on whether a formal application should be submitted to the Parole Board for a decision.	Probation Service YOT
3.4.2	Where it is deemed appropriate to reinstate active supervision of an IPP sentenced individual, a timely IPP Progression Panel will be convened to consider the evidence and will make a recommendation to the responsible Head of Service/PDU or equivalent to take a decision on whether a formal application should be submitted to the Parole Board for a decision.	Probation Service YOT
3.4.3	In exceptional circumstances, where it is not possible to convene a Lifer/IPP Progression Panel in good time, the responsible Head of Service/PDU or equivalent must endorse the application for re-imposition of supervision for submission to PPCS.	Probation Service YOT
3.4.4	Where time allows, the COM/Probation Practitioner must ensure that the re-imposition request has been discussed with the individual prior to submitting the request to PPCS.	Probation Service YOT
3.4.5	Where the COM/Probation Practitioner identifies that the individual will require documents to be translated, (including the BSL language translators) for example due to a disability or language barrier, they must ensure that PPCS is notified as soon as possible. Whether the COM/Probation Practitioner, the individual or anyone else informs PPCS, PPCS will notify	Probation Service YOT Prison PPCS

	<p>the Parole Board at the point of referral so that where required reasonable adjustments, where possible, can be made.</p> <p>Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link.</p> <p>It is the responsibility of HMPPS to arrange for the translation of HMPPS documents.</p> <p>Where the individual is in prison custody, the prison must ensure that PPCS is notified of the need for translation. In these cases, it is the responsibility of the prison to arrange for the translation of HMPPS documents.</p>	
3.4.6	The COM/Probation Practitioner must inform the individual that they have 7 days to submit representations in respect of the application and ask them to complete the representations form, attached to the Re-imposition of Supervision Report. Should the individual provide their own representations then the COM/Probation Practitioner must submit these to PPCS together with the report. See guidance section 5.4.4 for further information.	Probation Service YOT
3.4.7	Where considered necessary, an application to re-impose the supervisory conditions of a licence must be made via the Re-imposition of Supervision Report (available on NDelius) and be submitted to PPCS. See guidance section 5.4.1 for further information.	PPCS Probation Service YOT
3.4.8	The endorsement procedures set out in the Re-imposition of Supervision report must be followed.	Probation Service YOT
3.4.9	<p>The COM/Probation Practitioner must ensure that the VLO is notified of the application and liaise with the VLO to ensure that up to date victim related information is included in the application.</p> <p>The "Victim(s) issues" section on the Re-imposition of Supervision Report must be completed before the report is submitted.</p>	Probation Service YOT
3.4.10	A Lifer/IPP Progression Panel must be held as soon as practicable in circumstances where it has not been possible to hold a panel in advance of submission of a formal application to re-impose supervision.	Probation Service YOT
<b>Referral to the Parole Board and the Parole Board's Decision</b>		<b>Action By</b>
3.4.11	Upon receipt of the application, PPCS is responsible for compiling and formally referring the dossier to the Parole Board. Unless there are exceptional circumstances, PPCS must not submit the dossier to the Parole Board until the individual's representations have been received, or, if none have been received, until the 7-day deadline for representations has expired. PPCS must submit the individual's representations to the Parole Board whenever they are received, unless the Parole Board has already issued the decision.	PPCS
3.4.12	The Parole Board will issue the decision to PPCS.	Parole Board

3.4.13	PPCS will issue the Parole Board Decision and any variation order to the COM/Probation Practitioner and legal representative (where applicable).	PPCS
3.4.14	The COM/Probation Practitioner must ensure that the VLO is notified. The VLO must ensure that the victim is notified of the decision as soon as possible.	Probation Service YOT
3.4.15	The COM/Probation Practitioner must ensure that the variation order is provided to the individual as soon as possible and fully explained	Probation Service YOT

### 3.5 IPP Licence Termination

This section of the Policy Framework applies to IPP individuals where a period of 10 years has elapsed since their original release on IPP licence.

<b>Automatic Consideration for Termination of IPP Licence</b>		<b>Action By</b>
3.5.1	PPCS will notify the COM/Probation Practitioner, two months prior to the offender becoming eligible for consideration of termination of IPP Licence, and request a report be provided within 28 calendar days of the request (Termination of IPP Licence Report— available on NDelius at NAT Req Termination of IPP Licence).  Full information on the eligibility criteria for automatic referrals for consideration of IPP Licence Termination can be found in the guidance at 5.5.	PPCS Probation Service YOT
<b>Completion of Termination of IPP Licence Report</b>		<b>Action By</b>
3.5.2	The COM/Probation Practitioner must contact the VLO at the earliest opportunity to ascertain if the victim wishes to provide a view on the potential licence termination. Where the victim wishes to submit a VPS, the VLO must provide a copy direct to PPCS. VLOs should copy the COM/Probation Practitioner into this notification. PPCS is responsible for submitting the VPS to the Parole Board (see Handling Sensitive Information Policy Framework, for guidance on non-disclosure).	Probation Service YOT PPCS
3.5.3	The COM/Probation Practitioner must contact the individual to discuss the termination referral and ascertain their views. Where they have been unable to contact the individual, they must evidence the attempts that have been made.	Probation Service YOT PPCS
3.5.4	The endorsement procedures set out in the Termination of IPP licence report must be followed.	Probation Service YOT
3.5.5	Where the individual has contact with the Probation Service, COMs/Probation Practitioners must ensure that the Termination of IPP licence report is disclosed to the individual.	Probation Service YOT
3.5.6	Where the COM/Probation Practitioner identifies that the individual will require documents to be translated, (including the BSL language translators) for example due to a disability or language barrier, they must ensure that PPCS is notified as soon as possible. Whether the COM/Probation Practitioner, the individual or anyone else informs PPCS, PPCS will notify the Parole Board at the point of referral so that where required reasonable adjustments, where possible, can be made.	Probation Service YOT Prison PPCS

	<p>Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link.</p> <p>It is the responsibility of HMPPS to arrange for the translation of HMPPS documents.</p> <p>Where the individual is in prison custody, the prison must ensure that PPCS is notified of the need for translation. In these cases, it is the responsibility of the prison to arrange for the translation of HMPPS documents.</p>	
3.5.7	Where the individual is in contact with the Probation Service, the COM/Probation Practitioner must inform the individual that they have 7 calendar days to submit representations in respect of the referral and ask them to complete the representations form, attached to the Termination of IPP Licence Report. Should the individual provide their own representations then the COM/Probation Practitioner must submit these to PPCS together with the report.	Probation Service YOT
	<b>Referral to the Parole Board and the Parole Board's Decision</b>	<b>Action By</b>
3.5.8	Upon receipt of the Termination report, PPCS is responsible for compiling and formally referring the dossier to the Parole Board. Unless there are exceptional circumstances, PPCS must not submit the dossier to the Parole Board until the individual's representations have been received, or, if none have been received, until the 7 calendar day deadline for representations has expired. PPCS must submit the individual's representations to the Parole Board whenever they are received, unless the Parole Board have already issued their decision.	PPCS
3.5.9	The Parole Board will issue the decision to PPCS.	Parole Board
3.5.10	PPCS will issue the Parole Board Decision to the COM/Probation Practitioner, the prison and the legal representative (where applicable).	PPCS
3.5.11	<p>The COM/Probation Practitioner must notify the individual of the Parole Board's decision as soon as possible. Where the individual is in prison custody, the prison must disclose to the prisoner within one working day.</p> <p>In addition, the COM/Probation Practitioner must notify the VLO of the Parole Board decision. The VLO must ensure that the victim is notified of the decision as soon as possible.</p>	PPCS Probation Service
3.5.12	From 21 September 2022, all termination Parole Board decisions are subject to the 21-calendar reconsideration window. All HMPPS staff must ensure that they follow the Requirements set out in chapter 3.6.	PPCS Probation Service YOT Prison
3.5.13	Where the reconsideration window has closed or following a reconsideration application where the Parole Board have confirmed the final decision to terminate the IPP licence, PPCS will issue a termination order to the COM/Probation Practitioner and PNC Bureau three working days from receipt of the Parole Board decision.	PPCS Probation Service YOT
3.5.14	Upon receipt of the Termination Order, the COM/Probation Practitioner must provide the termination order to the individual as soon as possible.	Probation Service YOT

	Where the individual is in prison custody, the prison must disclose to the prisoner within one working day.  In addition, the COM/Probation Practitioner must notify the VLO of the Parole Board final decision. The VLO must ensure that the victim is notified of the decision as soon as possible.	
3.5.15	Where the Parole Board directs that the individual's licence should not be terminated, the case will be reviewed automatically 12 months later and the process restarts from 3.5.1. In these cases, the Parole Board can also decide to recommend that the supervisory conditions of an individual's licence be suspended and/or any extra conditions on the licence to be added/varied.	PPCS Parole Board COM YOT
<b>Parole Board Decision Summaries</b>		<b>Action By</b>
3.5.16	Where a victim, who is involved in the Victim Contact Scheme, wishes to request a Parole Board decision summary (PBDS), the VLO must email the request directly to the Parole Board, copying in the COM/Probation Practitioner.	Probation Service
3.5.17	The Parole Board is responsible for providing the PBDS to PPCS, the prison (if applicable), the VLO and the COM/Probation Practitioner.	Parole Board
3.5.18	Upon receipt of the PBDS, the VLO must ensure that a copy is disclosed to the victim as soon as possible.	Probation Service
3.5.19	Where the prisoner has been released, the COM/Probation Practitioner must ensure that a copy of the PBDS is disclosed to the individual as soon as possible.	Probation Service  YOT

### 3.6 Reconsideration of IPP Termination Parole Board Decisions

**This section of the Policy Framework comes into force on 1<sup>st</sup> September 2022.** Parole Board decisions to terminate or not to terminate the licence dated 1<sup>st</sup> September 2022 onwards will be eligible for the reconsideration mechanism.

This section of the Policy Framework only applies to individuals who have been directed to serve a sentence of Imprisonment for Public Protection (IPP) and have had their IPP licence considered for termination by the Parole Board.

Where the Parole Board makes a decision regarding IPP termination, the decision will remain provisional for 21 calendar days from the date the decision has been issued, to allow the individual or PPCS, on behalf of the Secretary of State, to submit an application to the Parole Board to have the decision reconsidered, where the criteria is met.

<b>Parole Board Decisions to Not Terminate the IPP Licence</b>		<b>Action By</b>
3.6.1	<p>The Parole Board will issue the decision to PPCS. PPCS is responsible for issuing the decision to the COM/Probation Practitioner and Prison (where appropriate).</p> <p>Where the individual is in the community the COM must notify the individual of the Parole Board's decision as soon as possible. The COM/Probation Practitioner must ensure that the VLO is notified of the decision, as soon as possible.</p> <p>Where the individual is in prison custody, the prison must disclose the decision to the prisoner within one working day.</p>	Prison  Probation Service  YOT  Parole Board  PPCS

<b>Application Window Extension/Reduction Requests</b>		<b>Action By</b>
3.6.2	<p>Extension/reduction requests can be submitted to the Parole Board by either the individual, or their legal representation, or PPCS, on behalf of the Secretary of State. All extension/reduction requests must be submitted directly to the Parole Board within the 21 calendar day application window via email to <a href="mailto:Reconsideration@paroleboard.gov.uk">Reconsideration@paroleboard.gov.uk</a>.</p> <p>If an individual is in custody and does not have legal representation and wishes to submit an extension/reduction request, prisons must ensure that the request is emailed to <a href="mailto:Reconsideration@paroleboard.gov.uk">Reconsideration@paroleboard.gov.uk</a> within one working day of receipt.</p>	Prison Probation Service YOT
3.6.3	<p>The Parole Board is responsible for deciding whether to approve extension/reduction requests and issuing their decision to PPCS (<a href="mailto:PPCSreconsiderationteam@justice.gov.uk">PPCSreconsiderationteam@justice.gov.uk</a>), the prison, COM/Probation Practitioner, the individual and legal representatives (where applicable).</p> <p>Where the individual is held in prison custody, prisons must ensure that a copy of the Parole Board extension/reduction decision is disclosed to the prisoner within one working day of receipt.</p>	Parole Board Prison
3.6.4	COMs/Probation Practitioners must ensure that VLOs are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible.	Probation Service YOT

<b>The Application</b>		<b>Action By</b>
3.6.5	<p>Where an individual is in custody and does not have legal representation and wishes to submit an application for the decision to be reconsidered, prisons must ensure that the request is emailed to <a href="mailto:Reconsideration@paroleboard.gov.uk">Reconsideration@paroleboard.gov.uk</a> within one working day of receipt.</p> <p>In all other cases, where an individual wishes to submit an application for the decision to be reconsidered by the Parole Board, the individual or their legal representative must ensure that the application is emailed to <a href="mailto:Reconsideration@paroleboard.gov.uk">Reconsideration@paroleboard.gov.uk</a>.</p>	Prison
3.6.6	Where an individual makes an application, the Parole Board will provide PPCS with the option of submitting representations, on behalf of the Secretary of State, direct to the Parole Board (copied to the prison, the individual and their legal representative, where applicable) within seven calendar days of receipt of the notification from the Parole Board.	PPCS Prison Probation Service YOT Parole Board
3.6.7	Where Secretary of State representations are received, the Parole Board will ensure that a copy of the representations are disclosed to the individual and their legal representative (where applicable) within one working day of receipt. If the individual is in custody, this action is for the prison to complete.	Prison/Probation Service YOT Parole Board
<b>Parole Board Reconsideration – The Decision</b>		<b>Action By</b>

3.6.8	<p>Where the Parole Board has agreed to review the decision, they are responsible for issuing the outcome to PPCS (PPCSreconsiderationteam@justice.gov.uk) the COM/Probation Practitioner, individual, prison and legal representative (where applicable).</p> <p>Where the individual is held in prison custody, prisons must ensure that a copy of the Parole Board decision is disclosed to the prisoner within one working day of receipt.</p>	Parole Board Prison
3.6.9	Where the Parole Board has decided to direct a reconsideration of the decision, they will specify whether this is to take place on the papers or at an oral hearing and will make bespoke directions to progress the case towards a decision.	Parole Board
3.6.10	Where the Parole Board has granted an application for reconsideration and subsequently direct the case to Member Case Assessment or an Oral Hearing, COMs/Probation Practitioners must ensure that VLOs are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible and made aware that any summary previously issued is no longer valid.	Prison Probation Service YOT
3.6.11	Where the Parole Board has decided to conclude the case on the papers it will be carried out by a Duty Member in the majority of cases.	Prison Probation Service YOT
3.6.12	Where the Parole Board has decided to direct the case to Oral Hearing, the reconsideration will generally follow the Parole Board's Oral Hearing process.	Prison Probation Service YOT
3.6.13	Where the Parole Board has decided that the original negative decision to terminate the IPP licence is to be upheld, PPCS will set the next review for the IPP Licence termination to be considered in 12 months, in line with the guidance section 5.5.14.	PPCS

Parole Board Decisions to Terminate the IPP Licence		Action By
3.6.14	<p>The Parole Board will issue the decision to PPCS. PPCS is responsible for issuing the decision to the COM/Probation Practitioner and Prison (where appropriate).</p> <p>Where the individual is in the community, the COM must notify the individual of the Parole Board's decision as soon as possible. The COM/Probation Practitioner must ensure that the VLO is notified of the decision, as soon as possible.</p> <p>Where the individual is in prison custody, the prison must disclose to the prisoner within one working day.</p> <p>Prisons must not release a prisoner until the Parole Board also issue a release decision (please see constraints section 4.6) and</p>	Parole Board PPCS Probation Service YOT

	that any other sentence being served is taken account of in terms of release dates.	
3.6.15	VLOs must ensure that the victim is informed of the decision and of their right to request a summary of that decision from the Parole Board and that they can request the decision is reconsidered, but that this must be within 21 calendar days from the date the decision was issued. All reconsideration request forms must be sent to PPCS via <a href="mailto:reconsiderationrequests@justice.gov.uk">reconsiderationrequests@justice.gov.uk</a> . See guidance <a href="#">paragraph 5.6.4</a> for further information on when a decision can be reconsidered.	Probation Service YOT

<b>Application Window Extension/Reduction Requests</b>		<b>Action By</b>
3.6.16	PPCS is responsible for submitting all extension/reduction requests directly to the Parole Board within the 21-calendar day application window. All requests should be sent via email to <a href="mailto:Reconsideration@paroleboard.gov.uk">Reconsideration@paroleboard.gov.uk</a> .	PPCS
3.6.17	COMs/Probation Practitioners/VLOs must notify PPCS via <a href="mailto:PPCSreconsiderationteam@justice.gov.uk">PPCSreconsiderationteam@justice.gov.uk</a> immediately where an extension/reduction will be required. The email must include clear reasons why the extension/reduction is required and the length of the extension being requested.	Probation Service YOT
3.6.18	The Parole Board is responsible for deciding whether to approve extension/reduction requests and issuing the decision to PPCS ( <a href="mailto:PPCSreconsiderationteam@justice.gov.uk">PPCSreconsiderationteam@justice.gov.uk</a> ), the prison, COM/Probation Practitioner and legal representatives (where applicable).	Parole Board
3.6.19	PPCS is responsible for ensuring that VLOs are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible.	PPCS
3.6.20	Where an extension/reduction is agreed, and the individual is in the community, the COM/Probation Practitioner will inform the individual as soon as possible.  Where the individual is held in prison custody, the prisons must ensure that the prisoner is notified within one working day of receipt.	Probation Service YOT  Prison
<b>PPCS Internal Reconsideration Review</b>		<b>Action By</b>
3.6.21	Where PPCS decide internally that a reconsideration application should be submitted to the Parole Board, PPCS must notify the COM/Probation Practitioner, VLO, prisons (where applicable), and the legal representative (where applicable). VLOs must ensure that the victim is informed as soon as possible.	PPCS  Probation Service YOT
3.6.22	Where the individual is in the community, the COM/Probation Practitioner will inform the individual as soon as possible.	Parole Board

	Where the individual is held in prison custody, prisons must ensure that a copy of the notification is disclosed to the prisoner within one working day of receipt.	Prison
3.6.23	PPCS is responsible for submitting the application to the Parole Board Reconsideration Team for a review by their reconsideration assessment panel.	PPCS
<b>Exceptionally reducing the 21-day reconsideration window</b>		
3.6.24	For guidance on seeking approval from the Parole Board for exceptionally reducing the 21 day reconsideration window, all parties must follow Guidance section 5.6.9 of this Policy Framework.	Prison Probation Service YOT
<b>Victim Requests for Reconsideration to PPCS</b>		
3.6.25	Where a victim (or interested party) submits a request for the IPP Termination decision to be reconsidered, all requests must be submitted to PPCS via <a href="mailto:reconsiderationrequests@justice.gov.uk">reconsiderationrequests@justice.gov.uk</a> .	Probation Service YOT
3.6.26	Upon receipt of the request from the victim or interested party, PPCS is responsible for deciding whether the request meets the eligibility criteria (see guidance <a href="#">paragraph 5.6.4</a> ).	PPCS
3.6.27	Where there are grounds for reconsideration, PPCS is responsible for writing and submitting the application to the Parole Board within the 21-day window.	PPCS
3.6.28	Where an application is submitted to the Parole Board, PPCS must ensure that, the applicant, COM/Probation Practitioner, VLO, prison (where applicable) and legal representative (where applicable) are notified.	PPCS
3.6.29	COMs/Probation Practitioners must ensure that a copy of the application and notification is disclosed to the individual as soon as possible. If the individual is in custody, this action is for the prison to complete within one working day.	Probation Service YOT
3.6.30	Where a victim or interested party have submitted a request and PPCS do not apply for reconsideration, they must notify the victim or interested party, providing their reasoning.	PPCS

	<b>Parole Board Reconsideration Assessment Panel</b>	Action By
3.6.31	The Parole Board is responsible for accepting or refusing an application and issuing their decision to PPCS ( <a href="mailto:PPCSreconsiderationteam@justice.gov.uk">PPCSreconsiderationteam@justice.gov.uk</a> ), the individual, the prison, COM/Probation Practitioner and legal representatives (where applicable).  Where the individual is held in prison custody, prisons must ensure that a copy of the Parole Board assessment panel	Parole Board Prisons

	decision is disclosed to the prisoner within one working day of receipt.	
3.6.32	<p>It is the responsibility of the Parole Board to obtain representations via the legal representative.</p> <p>Where the individual is held in prison custody, prisons must ensure that the prisoner is provided with the opportunity to provide representation.</p>	Parole Board Prison
3.6.33	<p>In a case where a victim is engaged, PPCS is responsible for issuing the decision to VLOs. VLOs must ensure the victim is informed as soon as possible.</p> <p>Where the application is made following a request from an interested party, PPCS is responsible for issuing the decision to that interested party.</p>	PPCS Probation Service YOT
3.6.34	Where no application is received or submitted to the Parole Board within the 21-day window, PPCS is responsible for issuing the Termination Order to the COM/Probation Practitioner and PNC Bureau within 3 working days.	PPCS
<b>Parole Board Reconsideration – The Decision</b>		<b>Action By</b>
3.6.35	<p>Where the Parole Board has agreed to review the decision, they are responsible for issuing the outcome to PPCS (PPCSreconsiderationteam@justice.gov.uk), the individual, the prison, COM/Probation Practitioner and legal representatives (where applicable).</p> <p>Where the individual is held in prison custody, prisons must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.</p>	Parole Board Prison
3.6.36	Where the Parole Board has decided to conclude the case on the papers or direct the case to an Oral Hearing, PPCS must ensure that VLOs/or other interested parties requesting reconsideration are informed of the Parole Board decision. VLOs must ensure that the victim is informed as soon as possible.	PPCS Probation Service YOT
3.6.37	Where the Parole Board has decided to direct a reconsideration of the decision, they will specify whether this is to take place on the papers or at an oral hearing and will make bespoke directions to progress the case towards a decision.	Parole Board
3.6.38	Where the Parole Board has decided to conclude the case on the papers it will be carried out by a Duty Member in the majority of cases.	Prison Probation Service YOT
3.6.39	Where the Parole Board has decided to direct the case to Oral Hearing, the process will generally follow the Parole Board Oral Hearing process.	Prison Probation Service YOT
3.6.40	Where the Parole Board has decided that the original decision to terminate the IPP licence is to be upheld, PPCS is responsible for	PPCS

	issuing the Termination Order to the COM/Probation Practitioner and PNC Bureau within 3 working days.	
3.6.41	COMs/Probation Practitioners must ensure that VLOs are informed that the Parole Board decision is now final. VLOs must ensure that the victim is informed as soon as possible and be notified, where reconsideration has been granted, that any summary obtained in relation to the previous decision is no longer valid.	Probation Service YOT
3.6.42	The COM/Probation Practitioner must issue the Termination Order as soon as possible.  For individuals that are in custody, the prison must inform them of the decision to terminate the IPP licence within one working day. However, this termination will not take effect until the Parole Board also make a release decision, the hearing for which may be held on a later date, in accordance with the parole process timetable, as set out in the Generic Parole Process Policy Framework.	Probation Service YOT  Prison

#### 4 **Constraints**

**4.1** Probation Service report writers must not contact the Parole Board directly unless it is with regard to witness availability.

**4.2** Where an application for variation, suspension, re-imposition or termination has been submitted by the COM/Probation Practitioner, PPCS will not submit any applications to the Parole Board unless all sections of the report have been fully completed.

#### 4.3 **Parole Eligible Licence Variation**

<b>Application for Variation</b>	<b>Action By</b>
4.3.1 The standard licence conditions cannot be amended or varied.  Further guidance on licence condition variation can be accessed in the Licence Conditions Policy Framework via this link.	PPCS Probation Service YOT

#### 4.4 **Suspension of Supervision**

<b>Suspension of the supervision element of indeterminate licences</b>	<b>Action By</b>
4.4.1 The following licence conditions must not be suspended and/or amended and should be present on all licences: <ul style="list-style-type: none"><li>• He/she shall be of good behaviour and not behave in a way which undermines the purpose of the licence period;</li><li>• He/she shall not commit any offence;</li></ul> See requirement section 3.3.  Further guidance on licence condition variation can be accessed in the Licence Conditions Policy Framework via this link.	PPCS Probation Service YOT
4.4.2 An application to suspend the supervisory conditions can only be submitted to PPCS for referral to the Parole Board once this has been	Probation Service YOT

	agreed by a Probation Service Lifer/IPP Progression Panel (with responsible Head of Service/PDU or equivalent sign off).	
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#### 4.5 IPP Licence Termination

<b>Automatic Consideration for Termination of IPP Licence</b>		<b>Action By</b>
4.5.1	An automatic referral for termination can only be made after the qualifying period of ten years following the individual's <b>first</b> release from custody regardless of whether they have subsequently been recalled on the licence.	Probation Service YOT
4.5.2	If, at the point of referral, the individual is in custody serving a recall against their IPP sentence, there is no licence for the Parole Board to terminate but the referral will still be made and the Parole Board will decide if the licence can be terminated if/when a future decision to release is made. In such a case, if/when the IPP individual is next released from prison by the Parole Board, they would then not be re-released on an IPP licence and the IPP sentence would end.  This also applies to individuals who have been recalled to custody and subsequently transferred to hospital under the Mental Health Act.	Probation Service YOT Prison Parole Board
4.5.3	If, at the point of referral, the individual is in custody serving a consecutive/concurrent custodial sentence (not relating to their IPP Licence), and they have not been recalled on the IPP Licence, then the IPP licence can be terminated and the sentence ended whilst they are still serving the other sentences.	Probation Service YOT Prison Parole Board

#### 4.6 Reconsideration of Parole Board Decisions

4.6.1	If an individual is in prison custody and receives a positive decision for their IPP licence to be terminated, the prison <b>must not</b> release them until the Parole Board also makes a release decision, the hearing for which may be held on a later date, in accordance with the parole process timetable, as set out in the Generic Parole Process Policy Framework. The decision to terminate the IPP licence <b>will not</b> take effect until the Parole Board makes this additional release decision.	Prison
4.6.2	If an individual is in prison custody on a new custodial sentence and has not been recalled on the IPP sentence, the prison <b>must not</b> release them until the Automatic Release Date/Conditional Release Date of this new sentence or until the Parole Board has directed release, if it is a further parole eligible sentence.	Prison

### 5. Guidance

#### 5.1 Managing Indeterminate Sentenced Individuals on Licence in the Community – frequency of supervision

- 5.1.1 A minimum of monthly active supervision is mandated from the point of release until individuals subject to a life or IPP licence have spent at least 5 continuous years of satisfactory compliance in the community, unless exceptional circumstances can be evidenced which would suggest an earlier point at which supervision should drop to less than monthly. Continuous means that any period of recall to prison and subsequent re-release will

restart the 5 year requirement. COMs/Probation Practitioners are expected to determine the frequency of supervision on a case by case basis, using their professional judgment, and in line with the requirements and guidance of this policy framework. In addition, further information can be found on EQUIP via this link.

- 5.1.2 Following re-release, in cases where a decision to recall an individual is rescinded, and the recall is effectively cancelled, the 5 year period will not restart. However, where cases proceed to the Parole Board following recall and re-release is directed, the recall decision still stands and therefore the 5 year period will restart following re-release. If COMs/Probation Practitioners consider that exceptional circumstances apply and the 5 year period should not re-start, they will submit the case to a Lifer panel for a decision, or, in IPP cases, a recommendation to the responsible Head of Service/PDU or equivalent via an IPP Progression Panel. It is for Lifer/IPP (responsible Head of Service/PDU or equivalent) Panels to decide whether exceptional circumstances apply in individual cases.
- 5.1.3 Any reduction in the frequency of active supervision to less than monthly, should be considered only after 5 continuous years in the community, and must be approved by a Lifer Panel, or the responsible Head of Service/PDU or equivalent following a recommendation from an IPP Progression Panel. Panels may consider cases for a reduction in supervision to less than monthly ahead of the 5 year point only where exceptional circumstances have been evidenced. It is for Lifer Panels or the responsible Head of Service/PDU or equivalent following a recommendation from an IPP Progression Panel, to consider whether exceptional circumstances apply in individual cases.
- 5.1.4 If more frequent supervision than monthly is assessed as appropriate following release in individual cases, this is a divisional decision to take without reverting to a Lifer or IPP Progression Panel.
- 5.1.5 COMs/Probation Practitioners will use their professional judgment when considering frequency of supervision in accordance with risk of Serious Harm (RoSH) levels and agreed RMP/Sentence Plans. On submitting a request to reduce supervision to less than monthly, the COM/Probation Practitioner must provide the Lifer/IPP Progression Panel (responsible Head of Service/PDU or equivalent) with clear justification for the decision.
- 5.1.6 COMs/Probation Practitioners must give appropriate consideration to MAPPA partners in advance of taking a case to a Lifer/IPP Progression Panel. All MAPPA managed cases must undergo appropriate review processes prior to a Lifer/IPP Progression Panel. For Level 2 and 3 cases, this will require a formal MAPPA meeting. For Level 1 cases, a documented formal review will suffice. COMs/Probation Practitioners are expected to consult with relevant agencies prior to a Level 1 review and hold professionals meetings where necessary. Please see the Probation Service management of Level 1 cases Policy Framework for more information. Evidence of outcomes for all reviews must be recorded on nDelius and submitted to the Lifer/IPP Progression Panel. The view of the victim, or the victim's family/significant people, who are engaged in the Victim Contact Scheme, should be sought in advance of taking a case to a Lifer/IPP Progression Panel.

## **5.2 Parole Eligible Licence Variations**

- 5.2.1 This section applies to all indeterminate sentenced individuals on licence and Parole Eligible determinate individuals on licence.
- 5.2.2 Licence Variation applications for indeterminate sentenced individuals will be referred by PPCS to the Parole Board under section 31 of the Crime (Sentences) Act 1997. Determinate sentenced individuals will be referred, as appropriate, to the Parole Board under section 250(5B) of, or paragraph 34 of Schedule 20B to, the Criminal Justice Act 2003.

- 5.2.3 For determinate sentenced prisoners, the following sentences need to be referred to the Parole Board for consideration of licence variation but only where the Parole Board have set the licence on release:
- All Extended Sentenced Prisoners, all Special Custodial Sentence for Certain Offenders of Particular Concern (SOPC), all parole eligible terrorist and terrorist connected prisoners and those serving a Discretionary Conditional Release (DCR) sentence where their initial release was directed by the Parole Board.
  - On re-release after recall for the following determinate sentences:
    - All extended sentenced prisoners, including Section 247.
    - All SOPC sentenced prisoners
    - All DCR sentenced prisoners, and
    - All parole eligible terrorist and terrorist connected prisoners
- 5.2.4 The COM/Probation Practitioner may consider it necessary to vary (add, amend / remove) licence conditions for an individual. The standard licence conditions cannot be amended or varied. This could be due to their current licence conditions not being sufficient to effectively manage their risk in the community or because they have made progress whilst on licence so the restrictions placed upon them are being reduced. If the COM/Probation Practitioner considers that the individual's risk cannot be managed in lieu of the licence variation application to the Parole Board and further advice is needed, the Recall Team in PPCS can be contacted to advise whether the recall threshold has been met. The team can be contacted on either 07970 670915 or 07773 183028.
- 5.2.5 The COM/Probation Practitioner should ensure that full details of the proposed licence condition(s) variation being requested (including the proposed wording) are provided as well as full reasons explaining why the licence condition(s) variation is considered to be necessary and proportionate to manage the individual's risk.
- 5.2.6 It is important that an individual is provided with the opportunity to make representations in respect of an application to vary their licence. The individual can do so, either by adding their own representations to the space provided on the representations form or by indicating that their legal representative will do so on their behalf. Where the decision to vary licence conditions is being actioned due to a risk concern, it may not be possible to gain the individual's representations prior to making the application. In these cases, the individual should be informed of the proposed change and the need to comply with any "reasonable instruction" from their COM/Probation Practitioner in the interim period in order to manage the necessary risk of serious harm.
- 5.2.7 Where the licence condition being varied is victim related, the COM/Probation Practitioner will notify the VLO of the application, who will then ask the victim which licence conditions they feel are still required or need to be altered, and for any views they may have about the variation request. Where additional conditions relating to victims on the licence are being requested, the COM/Probation Practitioner will liaise with the VLO to include any relevant information about those extra conditions and recommend whether or not the additional conditions should be varied. For example, the victim's and/or their family's views on the variation of the related condition must be provided in cases where 'no contact' conditions or victim related exclusion zones are involved. The necessity and proportionality of retaining any non-supervisory condition must always be considered. Any condition including a proposed exclusion zone can only be justified if it is considered necessary and proportionate for the management of the individual.
- 5.2.8 Whilst the victim is not invited to complete a VPS, if one is submitted then this will be accepted and submitted to the Parole Board for consideration. Where the victim wishes to submit a

VPS, the VLO must provide a copy direct to PPCS. VLOs should copy the COM/Probation Practitioner into this notification. PPCS is responsible for submitting the VPS to the Parole Board.

- 5.2.9 The Parole Board will make the final decision on whether the licence should be varied. The Parole Board has the option to send the case to an oral hearing to reach a final decision, where it is deemed necessary. We expect that this will only occur in rare cases where there are added complexities.
- 5.2.10 Should the licence variation application be refused by the Parole Board then the Probation Service should only consider re-submitting an application regarding the same condition(s) where new and significant risk related evidence has been received.
- 5.2.11 In cases where the individual wishes to request that their COM/Probation Practitioner considers an amendment to their licence conditions, due to a change in circumstance, the individual should discuss this with their COM/Probation Practitioner in the first instance. It is for the COM/Probation Practitioner to decide whether to apply to amend the licence conditions.
- 5.2.13 PPCS will only progress the application, where it is supported by the COM/Probation Practitioner.

### **5.3 Applications to Suspend Supervisory Conditions**

- 5.3.1 A COM/Probation Practitioner may give consideration to requesting the suspension of the supervisory conditions on an individual's life licence after 10 years (or 5 years for an IPP licence) of continuous, trouble free resettlement and good behaviour in the community, and, where appropriate, any additional conditions of the licence, due to good progress. The criteria for making an application are set out below at section 5.3.3. Further information is available on EQuIP, which can be accessed via the following link.
- 5.3.2 The COM/Probation Practitioner may make an application via PPCS to the Parole Board for the supervision requirements of the licence to be suspended, only with the full endorsement of a Lifer Panel or, the case of IPP individuals, from an IPP Progression Panel with sign off from the responsible Head of Service/Probation Delivery Unit (PDU) or equivalent. COMs/Probation Practitioners must give appropriate consideration to MAPPA management as part of the process of building evidence to support an application for suspension of the supervisory conditions ahead of submitting a case to a Lifer/IPP Progression Panel. The Panel/ Head of Service/PDU or equivalent will also consider representations from the victim before deciding whether to agree an application to the Parole Board. An application may be submitted to PPCS only once this has been agreed by the Lifer/IPP Progression Panel (responsible Head of Service/PDU or equivalent).
- 5.3.3 For the COM/Probation Practitioner to be able to recommend the suspension of the supervisory element, it requires evidence of each of the following:
  - a stable lifestyle, good integration, appropriate problem-solving skills and an open relationship with the Supervising Officer;
  - gradual reduction in the requirement for contact with the Probation Service/YOT;
  - crises, if any, having been faced and dealt with sensibly, with proper involvement of the Supervising Officer; and

- an indication that the licensee would turn to the Probation Service/YOT for assistance on a voluntary basis if necessary.
- 5.3.4 When making an application for suspension of supervision, there is expectation that the individual should be assessed as low risk of serious harm. However, this does not negate applications being submitted by the COM/Probation Practitioner, where the individual is assessed as posing a medium risk of serious harm. These applications will need to be submitted alongside a full justification for the application and an updated OASys assessment.
- 5.3.5 A successful application for the suspension of supervisory conditions will evidence a gradual reduction in active supervision over an appropriate period of time, which may differ from case to case. The COM/Probation Practitioner will provide relevant and appropriate evidence, for example, via home visits; contact with family; intelligence reports from the police; progress reports from psychology; children's services; or employers etc., to support applications. It is key that COMs/Probation Practitioners can evidence that an individual understands their risks and has been able to demonstrate that they understand their RMP.
- 5.3.6 COMs/Probation Practitioners should ensure that a full OASys/Asset risk assessment is provided which shows the relative progress of the individual against their sentence plan, and that the RMP is robust and sufficient to manage their identified risks without the supervisory conditions. Where an individual is assessed as posing a low risk of serious harm at the point of the application, a full RMP is not required. A contingency plan must be in place as part of the RMP to ensure that there are measures in place to manage any re-emergence of risk related behaviours, and this must be shared with the individual so they may take the appropriate action under these circumstances. COMs/Probation Practitioners may also wish to consider if it would be appropriate to seek recommendations from the identified key stakeholders.
- 5.3.7 While there is an expectation that every Life sentenced individual will spend a minimum of ten continuous and trouble free years (or five continuous and trouble free years for IPP sentenced individuals) on licence in the community before becoming eligible for the Parole Board to formally consider suspending supervision, exceptional applications can be made before ten years (or five years for IPP sentenced individuals) have elapsed. It is for Lifer/IPP Progression Panels (responsible Head of Service/PDU or equivalent) to consider whether exceptional circumstances apply in individual cases.
- 5.3.8 The Suspension of Supervision Report should also specify whether it is recommended that any additional conditions are removed, amended or are to remain, including the reasons for that recommendation.
- 5.3.9 It is important that an individual is provided with the opportunity to make representations in respect of an application to suspend supervision. The individual can do so, either by adding their own representations to the space provided on the representations form or by indicating that their legal representative will do so on their behalf.

### Victims

- 5.3.10 The COM/Probation Practitioner must notify the VLO of the application. The VLO must then ask the victim for any views they may have about the application. Should the victim provide

any views on this application then it is important that the COM/Probation Practitioner takes these views into consideration within the decision-making process for the request to suspend supervision. Whilst the victim is not invited to complete a VPS, if one is submitted then this will be accepted and submitted to the Parole Board for consideration. Where the victim wishes to submit a VPS, the VLO must provide a copy direct to PPCS. PPCS is responsible for submitting the VPS to the Parole Board. VLOs should copy the COM/Probation Practitioner into this notification.

- 5.3.11 If there are additional conditions relating to victims on the indeterminate licence, the COM/Probation Practitioner will liaise with the VLO to include any relevant information about those extra conditions and recommend whether or not the additional conditions should be suspended. For example, the views of victims and/or their family, who are engaged in the Victim Contact Scheme, on the suspension of the related condition must be provided in cases where ‘no contact’ conditions or victim related exclusion zones are involved. Should the victim(s) request that these conditions remain on the licence then the COM/Probation Practitioner must consider this request sympathetically, taking into account any emotional harm for the victim that may arise. The necessity and proportionality of retaining any non-supervisory condition must always be considered. They are included for the ongoing physical and emotional protection of a victim and/or their relatives. COMs/Probation Practitioners must not request modifications of licence conditions on the basis of a change of risk of reoffending or serious harm where those considerations were not the reason for imposing that licence condition. Should the COM/Probation Practitioner consider that victim related conditions may be varied/amended (ie. a change in an exclusion zone) then the victim must be consulted for their views. Further guidance on licence condition variation can be accessed in the Licence Conditions Policy Framework via this link.

#### Referral to the Parole Board and the Parole Board’s decision

- 5.3.12 Upon receipt of an application from the COM/Probation Practitioner, and once agreed by PPG, PPCS will then formally refer the case to the Parole Board with the dossier.
- 5.3.13 The Parole Board will make the final decision on whether supervision should be suspended. The Parole Board has the option to send the case to an oral hearing to reach a final decision, where it is deemed necessary. We expect that this will only occur in rare cases where there are added complexities.
- 5.3.14 Any suspended conditions may be re-imposed (subject to Parole Board approval) or the licence revoked and the individual recalled to prison at any time should his/her behaviour give cause for concern.
- 5.3.15 The VLO will notify the victim that an individual’s supervision has been suspended and inform them that the individual’s case will be reviewed if there are any concerns/adverse developments. If supervision is re-imposed, then the victim will be notified at that point.
- 5.3.16 If an application is unsuccessful then it will need to be agreed by the Lifer/IPP Progression Panel (responsible Head of Service/PDU or equivalent) when they decide to submit another application. It is recommended that the COM/Probation Practitioner wait a further 12 to 18 months before they make a further application.

#### **5.4 Re-imposition of the Supervision Element of Indeterminate Licences**

- 5.4.1 Where it is considered that an individual's risk can no longer be safely managed in the community without supervision, it is the responsibility of the COM/Probation Practitioner to request via PPCS that supervisory conditions are re-imposed on an individual's life/IPP licence; the responsible Probation Service Head of Service/PDU or equivalent must endorse all applications for re-imposition of supervision. This may be considered necessary if the individual's behaviour has given cause for concern, there has been a conviction for a further offence, or the individual's domestic circumstances or mental condition have become unstable, but where recall to prison does not appear to be necessary on the grounds of public protection.
- 5.4.2 Prior to submitting a re-imposition application the COM/Probation Practitioner should discuss with their Head of Service/PDU or equivalent whether the threshold for recall has been met. If re-imposition is thought to be the appropriate course of action, and time allows, a Lifer/IPP Progression Panel (responsible Head of Service/PDU or equivalent sign off for IPPs) will be convened to approve the application. If further advice is needed, the Recall Team in PPCS can be contacted to advise whether the recall threshold has been met. The team can be contacted on either 07970 670915 or 07773 183028. Please see further guidance on re-imposition on Equip, which can be accessed via the following link.
- For further guidance on the recall of indeterminate sentenced individuals please see the Recall, Review and Re-Release of Recalled Prisoners Policy Framework
- 5.4.3 It is not necessary for the VLO to inform the victim if consideration is being given to re-imposing the licence conditions, as it should not directly affect them, particularly as it will not affect any licence conditions already in place to protect them. However, victims should be informed if the supervision element is re-instated.
- 5.4.4 It is important that an individual is provided with the opportunity to make representations in respect of an application to re-impose supervision. The individual can do so, either by adding their own representations to the space provided on the representations form or by indicating that their legal representative will do so on their behalf.
- 5.4.5 Upon receipt of the Re-Imposition of Supervision Report, PPCS will refer the individual's case to the Parole Board. PPCS will prepare the re-imposition dossier.
- 5.4.6 The Parole Board will make the final decision on whether supervision should be re-imposed. The Parole Board has the option to send the case to an oral hearing to reach a final decision, where it is deemed necessary. We expect that this will only occur in rare cases where there are added complexities. If supervision is re-imposed, the COM/Probation Practitioner must ensure that the VLO is notified. The VLO must ensure that the victim is notified of the decision as soon as possible.
- 5.4.7 Should the Parole Board not agree to the application to re-impose supervision then the Probation Service must continue to keep the individual's case under review. In the event that it is considered that the individual cannot be managed without supervision then the Probation Service may refer the process as per sections 5.4.1 & 5.4.2).

## **5.5 IPP Licence Termination**

- 5.5.1 The process for licence termination was altered in 2022, where a duty was imposed on the Secretary of State for Justice (SSJ) to automatically refer individuals to the Parole Board for consideration to terminate their IPP Licence, once ten years have passed since the date of their first release on IPP licence, and annually after that until their IPP licence is terminated.

This procedure replaces the previous process for termination where it was subject to the offender making the application. Please see further guidance on termination on Equip, which can be accessed via the following link.

- 5.5.2 For cases to be eligible for automatic referral the individual must have reached their eligibility point (10-years from their first release from prison), regardless of whether they have subsequently been recalled on the licence at any prior point or have had their supervision suspended.
- 5.5.3 If an IPP offender is recalled to prison under their IPP sentence prior to their eligibility date for automatic referral, they must still be referred at the point that they become eligible for an automatic referral to the Parole Board. This also applies to individuals who have been recalled to custody and subsequently transferred to hospital under the Mental Health Act. The Parole Board must consider whether their IPP Licence can be terminated. If the Parole Board is satisfied that a recalled IPP offender should have their IPP licence terminated, this termination will not take effect until the Parole Board also make a release decision, the hearing for which may be held on a later date, in accordance with the parole process timetable, as set out in the Generic Parole Process Policy Framework. In these cases, if/when the IPP individual is next released from prison by the Parole Board they would then not be re-released on an IPP licence and the IPP sentence would end.
- 5.5.4 If an IPP offender is in custody serving a consecutive or concurrent custodial sentence, separate to their IPP sentence, they must still be referred to the Parole Board at their ten year eligibility point (and annually thereafter), in order for their IPP licence to be considered for termination. In these cases, where the offender is not subject to recall on their IPP Licence, then termination of the IPP licence, and therefore the sentence, can take place whilst the offender is still in custody serving the other sentence(s).

#### Completion of Termination of IPP Licence Report

- 5.5.5 Once PPCS notify the COM/Probation Practitioner of the automatic referral, COMs/Probation Practitioners will have 28 calendar days to complete the Termination of IPP Licence Report (available on NDelius at NAT Req Termination of IPP Licence). The report must contain a clear recommendation to the Parole Board about whether termination of the individual's IPP licence is supported, and a clear rationale for this decision. The report should be approved by the Region's IPP progression panel or, where this has not been possible, directly by the Head of Service.
- 5.5.6 Upon receipt of the report and any supporting evidence, PPCS will refer the case to the Parole Board. The Parole Board is responsible for deciding whether to terminate the licence.

The Termination Report **must** include the following:

- Evidence of contact with the individual to discuss the application for termination, including whether the individual wishes to submit representations to the Parole Board. Where the COM/Probation Practitioner has not been able to make contact with the individual, the report should outline what attempts have been made to locate them.
- An update on contact with the Victim Liaison Unit and confirmation as to whether the victim has provided any views or information on the consideration to terminate the IPP Licence or wishes to submit a Victim Personal Statement (VPS). The victim will

- be provided with an opportunity to provide a VPS, should they wish and the VLO must provide a copy direct to PPCS.
- Details of the liaison with local agencies, including Police, Adult and Children's Social Care teams, Immigration Service, Community Partners etc. The COM/Probation Practitioner should include any further pertinent information on the individual's behaviour to allow a full assessment of suitability for termination to be made. All agencies relevant to the individual's circumstances must be contacted.
- A clear recommendation on whether the COM/Probation Practitioner supports the termination of the IPP licence and a clear rationale for this recommendation. Supporting evidence can be submitted to assist the Parole Board in understanding the reasons for this recommendation, i.e. in cases where there is a risk management plan and OASys assessment, these should be submitted alongside the report. Please note that in cases where the individual's risk of serious harm is assessed as low, there is **no** expectation for an OASys assessment to be completed. In cases where the individual was assessed as medium risk of serious harm, at the point that supervision was suspended, and the COM/Probation Practitioner has been unable to contact the individual, the COM/Probation Practitioner should provide the last completed OASys assessment and note the reasons that this has not been updated within the Termination report.
- Where the Probation Service is not supporting the application for termination of licence, the COM/Probation Practitioner should consider whether suspension of supervision should be recommended and the suitability of the current licence conditions.

5.5.7 IPP licence termination automatic referrals will initially be considered on the papers by a Parole Board duty member. The Parole Board will only direct an oral hearing where such a hearing is considered necessary but will consider any such request from the individual.

5.5.8 The Parole Board will make the final decision on whether the IPP licence should be terminated.

5.5.9 From 1<sup>st</sup> September 2022, all termination Parole Board decisions are subject to the 21-calendar reconsideration window. All HMPSS staff must ensure that they follow the Requirements set out in 3.6 and Guidance 5.6.

5.5.10 In case where the Parole Board decides not to terminate the IPP licence but instead varies the IPP licence, the reconsideration mechanism will not apply and PPCS will issue the variation order.

5.5.11 Where the reconsideration window has closed or following a reconsideration application, the Parole Board have confirmed the final decision to terminate the IPP licence, the individual's IPP licence will be terminated. This will result in all licence conditions being discarded; there will be no victim related conditions remaining in place, such as exclusion zones, no protection for victims in place (in the form of licence conditions) and recall proceedings will no longer be an option.

5.5.12 The Parole Board will issue their direction which will inform the COM/Probation Practitioner of the Parole Board direction to terminate the IPP Licence. The Termination Order will be officially issued three working days after the Parole Board direction is made.

5.5.13 The Parole Board may conclude on the papers that the individual's licence should not be terminated. In these circumstances there is no option to request an oral hearing and the decision is final.

5.5.14 If the automatic referral for termination is not approved by the Parole Board, it should be noted that the panel can also decide to recommend that the supervisory conditions of an individual's licence be suspended and/or any extra conditions on the licence to be added/varied. For further guidance please refer to sections 5.2 and 5.3. The case will then be automatically referred for another review 12 months later and the process outlined above will restart.

## 5.6 Reconsideration of Parole Board Decisions

**This section of the Policy Framework comes into force on 1<sup>st</sup> September 2022.**

Parole Board decisions to terminate or not to terminate the licence dated 1<sup>st</sup> September 2022 onwards will be eligible for the reconsideration mechanism.

### 5.6.1 Parole Board decisions not to terminate the IPP Licence

Where the Parole Board makes a decision not to terminate the IPP licence, the individual or their legal representative has 21 calendar days from the date the decision was issued to apply direct to the Parole Board for the decision to be reconsidered where they believe that the eligibility criteria has been met. All applications should be sent via email to the Functional Mailbox (FMB) [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk). The decision will remain provisional for 21 calendar days, after which the decision will become final (unless the individual has requested an extension or submitted an application for the decision to be reconsidered).

#### Application Window Extension/Reduction Requests

5.6.2 Extension/reduction requests should only be submitted in exceptional circumstances.

5.6.3 Where the individual wishes to request an extension/reduction of the application window, the extension/reduction request must be sent direct to the Parole Board FMB [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk) within the 21 calendar day deadline.

Extension/reduction requests can be submitted direct from individuals or via their legal representative. Legal representatives should send extension/reduction requests direct to the Parole Board FMB [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk). Extension/reduction requests should provide clear reasons why the extension/reduction is required.

#### The Application

5.6.4 Applications for reconsideration should only be submitted where the eligibility criteria are met.

The eligibility criteria is; 'a party may apply to the Board for the case to be reconsidered on the grounds that the decision –

- a. Contains an error of law;
- b. is irrational; or
- c. is procedurally unfair

5.6.5 Applications can be submitted direct from prisoners or via their legal representative to the Parole Board functional mailbox (FMB) [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk).

### Parole Board Decisions to Terminate the IPP Licence

- 5.6.6 Where the Parole Board issues a decision to terminate the IPP Licence, PPCS (on behalf of the Secretary of State) has 21 calendar days from the date the decision was issued to apply to the Parole Board for the decision to be reconsidered where it believes that the eligibility criteria has been met (see paragraph 5.6.4). The IPP licence termination decision will remain provisional for 21 calendar days, after which the decision will become final (unless the Secretary of State has requested an extension to the application period or has submitted an application for the decision to be reconsidered). The IPP licence will not be terminated during this period, unless authorised by PPCS.
- 5.6.7 Only PPCS, on behalf of the Secretary of State, or the individual can apply to the Parole Board for reconsideration as they are parties to the proceedings. A victim or interested party (e.g. a member of the public) can also make representations to the Secretary of State for a decision to be reconsidered and the Secretary of State will consider if the eligibility criteria has been met. Requests for reconsideration can be submitted direct from victims or via the VLO. All requests should be sent to PPCS FMB [reconsiderationrequests@justice.gov.uk](mailto:reconsiderationrequests@justice.gov.uk). Requests must not be sent direct to the Parole Board. The Secretary of State must submit any application for reconsideration within the prescribed window, which may have been reduced or extended.-If a victim or interested party wishes to submit representations, they should be provided in a timely manner to ensure the Secretary of State can give full consideration to the request.
- 5.6.8 The individual cannot have their IPP licence terminated while the decision is provisional. The length of time that the decision will remain provisional will depend on whether an extension/reduction has been granted and whether an application is submitted.

### Exceptionally reducing the 21-day reconsideration window

- 5.6.9 There is a general power under Rule 9 of the Parole Board Rules 2019 for the Parole Board to alter any of the normal times limits set out in the 2019 Rules “*where it is necessary to do so for the effective management of the case, in the interests of justice or for such other purpose as the panel chair or duty member considers appropriate*”. An application to alter the normal time limits could be made by the Secretary of State or a prisoner (or legal representative, if applicable). A reduction of this reconsideration window would render the Parole Board decision final earlier, to allow for the termination of the IPP Licence.