

Extract from Parole Board Duty Member Guidance - 2020

Termination of IPP or DPP Licence

Background

- 5.7.1 An offender sentenced to Imprisonment for Public Protection (IPP) or Detention for Public Protection (DPP) has the right, under section 31A of the Crime (Sentences) Act 1997¹ to apply for consideration to be given to terminating their IPP² licence 10 years after their initial release, regardless of whether they have subsequently been recalled and re-released. For the purposes of this guidance reference to the IPP sentence will also include the DPP sentence.
- 5.7.2 Any applications for termination of an IPP licence should be made by the licensee themselves, either to the Parole Board directly or via the National Probation Service (NPS)/ PPCS. However, where an application is received directly from the licensee to the Parole Board, the NPS will still need to be notified, via PPCS, so that the correct information pack can be prepared.
- 5.7.3 It is only the Parole Board that can terminate an IPP licence.
- 5.7.4 Once an IPP licence has been terminated, the licensee will not be subject to recall, and unlike the suspension of supervision, all of the licence conditions are terminated and may not be re-imposed.
- 5.7.5 Rule 31 of the Parole Board Rules 2019 deals explicitly with termination of licences:

“Applications to terminate IPP licences.

- 31.— (1) Where an offender qualifies to make an application to terminate their licence under section 31A of the 1997 Act, the offender may make a direct application to the Parole Board or apply through the Secretary of State.
- (2) Where an offender makes a direct application, the Board must serve the application on the Secretary of State and the Secretary of State must serve any reports or evidence as directed by the Parole Board.
- (3) Where an application is made through the Secretary of State, the Secretary of State must serve any reports or evidence at the same time as sending the application to the Parole Board.
- (4) Where the Parole Board receives an application, either from the offender directly or through the Secretary of State, a panel appointed under rule 5(5) must consider the application in accordance with section 31A(4) of the 1997 Act.

¹ Section 31A of the 1997 Act was inserted by the 2003 Act and has been amended by section 117(10)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 c. 10, and paragraph 141 of Schedule 16 to the Armed Forces Act 2006 c. 52.

² IPP should be read to include DPP throughout this guidance

- (5) In considering the application under paragraphs (2) or (3), the panel may—
- (a) make a decision on the papers, or
 - (b) direct that the application should be decided by a panel at a hearing.
- (6) Where a panel considers the application on the papers or at a hearing, it must decide to—
- (a) terminate the offender's licence;
 - (b) amend the offender's licence in accordance with section 31(3) of the 1997 Act, or
 - (c) refuse the application.
- (7) Where a decision is made by a panel under paragraph (6), the Parole Board must record that decision in writing with reasons for that decision, and that record must be provided to the offender and Secretary of State within 14 days of the decision."

PPCS and NPS role

- 5.7.6 Instructions on terminating licences are set out in PI 08/2015 – Managing Indeterminate Sentenced Offenders on Licence.
- 5.7.7 The NPS responsible officer is not required to make applications on behalf of the licensee and so requests can be initiated by the licensee as the starting point. However, responsible officers can, where they feel it appropriate, make contact with the licensee and suggest making an application.
- 5.7.8 A licensee does not require the support of the responsible officer in order to make an application directly to the Parole Board. However, the responsible officer is required to produce a report where an application is made.
- 5.7.9 PPCS will make contact with the appointed responsible officer and ensure all the necessary paperwork, as set out in the Parole Board proforma (which has been agreed by HMPPS officials), is provided.
- 5.7.10 Once all the information has been collated a "Request for Termination of IPP licence" form is completed and attached to the information pack and sent to the Parole Board. A copy of this Termination Report can be found at Annex 1.
- 5.7.11 This form must be signed by the Line Manager of the Responsible Officer and endorsed by an ACO or equivalent.

Managing cases: stage one – receiving the application

- 5.7.12 Upon receipt of an application directly from the licensee, the Secretariat will prepare a proforma which confirms receipt and requests PPCS to provide an information pack containing the following:

1. Notification of release
2. Last release decision
3. Release licence
4. Any post-release licence variation requests and outcomes
5. Licence cancellation application form
6. Reports from probation/police on up to date position
7. Previous parole dossier

5.7.13 Where the application has come via PPCS, the same proforma is used but with a variation of wording, acknowledging receipt of the information pack, which should contain all the documents set out in the above list.

5.7.14 The proforma will be submitted to the duty member who will sign and date the form, after which the Secretariat will submit to PPCS. A copy of the proforma can be found at Annex 2.

Managing cases: stage two – considering the application

5.7.15 Once the information pack has been received and checked to ensure it contains all the required information, it will be submitted to the duty member for consideration.

5.7.16 It is important to check if this is the first application or if there have been previous requests that were refused. There must be a minimum of 12 months between each application. If the request is within 12 months of any previous request, the case should be referred back to PPCS to investigate and advise.

5.7.17 Things to consider:

- The scale of progress across the ten-year period including work that has been carried out in the community to address the licensee's risk factors and to meet sentence planning objectives. The Termination Report should summarise the key events during the licence period since initial release, highlighting any areas of concern or progress
- Content of previous progress reports submitted to PPCS
- The licensee's current circumstances in terms of the stability of their lifestyle, current accommodation and history, current employment and history, and current relationships and history
- Whether the licensee has been recalled at any time over the ten-year period and if details of any recall are provided
- Whether applications to vary the licence conditions have been made at any point since release, and if so, the conditions under which any such variations were requested and granted (or refused)
- Whether the licensee is still under supervision, and when was the last contact
- What is or has been the frequency and nature of contact and how has this changed over the licence period
- If no longer under active supervision, when was it suspended
- Is there evidence that checks with other relevant agencies listed in the Termination Report have been carried out? If the licensee has come to

the attention of one or more of these agencies, their application must still be referred to the Parole Board, but full details must be provided

- What is current or last known risk of serious harm category? All four categories of risk of serious harm (public, children, known adult, staff) should be considered and noted on the application if there is more than one category relevant to the licensee's risk
- What is the current or last known MAPPA level?
- Any bespoke licence conditions still in place
- Any previous applications to terminate the licence (with outcome)
- What is the recommendation of the responsible officer and is there sufficient information to support their view?

5.7.18 If victims are signed up to the Victim Contact Scheme, they have a right to be notified of the application and they are entitled to submit a Victim Personal Statement ('VPS'). The VPS should confine itself to the impact that termination of the licence may have on the victim and not express a view about the termination.

5.7.19 If the licence is terminated all licence conditions will cease, including those relating to victims (non-contact and/or exclusion zones).

Managing cases: stage three – the decision

5.7.20 The decision to be made is whether you are satisfied that it is no longer necessary for the protection of the public that the licence should remain in force; in which case the licence may be terminated.

5.7.21 The application will be dealt with as swiftly as possible, providing all required information is submitted with the information pack.

5.7.22 Once the decision has been made by the duty member, it must be issued within 14 days, in line with timeframes for parole decisions.

5.7.23 In making a decision you have the following options, as set out in the Rules:

- (a) make a decision on the papers, or
- (b) to direct that the application should be decided by a panel at a hearing.

5.7.24 If you believe that an oral hearing is necessary to properly consider the application, then directions will need to be issued on an MCA Directions form. The Secretary of State should be directed to secure a suitable location for the oral hearing to take place.

5.7.25 If you have enough information in the papers, or after an oral hearing, to make a decision you can:

- (a) terminate the offender's licence
- (b) amend the offender's licence
- (c) refuse the application