

Policy name: Managing Parole Eligible Offenders on Licence Policy Framework

Reference: N/A

Issue Date: 11 November 2020

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"/>	HMPPS 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"/>	National Probation Service	<input type="checkbox"/>	Community Rehabilitation Companies (CRCs)
<input checked="" type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input checked="" type="checkbox"/>	Other providers of Probation and Community Services	<input type="checkbox"/>	Under 18 Young Offender Institutions

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 National Probation Service (NPS) 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 NPS.

The process by which individuals on an IPP licence may apply to the Parole Board to have their IPP licence terminated will involve more work, not because new requirements are being introduced but because the number of applications to the Parole Board is expected to rise, and as a result of more IPP individuals on licence becoming eligible to apply, having completed ten years since their first release from custody. It is anticipated that this will have an impact on NPS staff requiring that the number of applications received will need to be monitored. Only IPP individuals on licence are eligible to apply to have their licences terminated.

NPS Lifer panels are currently mandated annually. This framework aligns with that approach and so should not present additional resource commitments for the NPS. NPS 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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1. Purpose

1.1 The purpose of this Framework is to set out the mandatory actions which the NPS and Public Protection Group (PPG) must complete for all indeterminate sentenced individuals on licence and parole-eligible determinate sentenced individuals on licence, which include:

- Discretionary Conditional Release (DCR) sentenced individuals (only where initial release was by the Parole Board and on the re-release after recall of those individuals);
- All releases of Extended Determinate Sentence (EDS) individuals, except for EDS cases subject to automatic release at 2/3 point and recall of those individuals;
- Sentences for Offenders of Particular Concern (SOPC); and
- Terrorist Offenders (TO) released under section 247A whenever the Parole Board direct release) in the community on licence.

1.2 All individuals serving a standard determinate sentence, EDS sentenced individuals who have been released automatically at the three quarter point, DCR sentenced individuals and TOs where they have been automatically released (including any subsequent recall for all these individuals) will have their licences managed by NPS 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, IPP sentences 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 applications 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.

Frequency of Supervision for indeterminate Individuals on licence (Lifer and IPP)		Action By
3.1.1	Community Offender Managers (COMs) 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).	NPS 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.	NPS 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 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/Local Delivery Unit (LDU) or equivalent via an IPP Progression Panel. It is for Lifer/IPP (responsible Head of Service/LDU or equivalent) Panels to decide whether exceptional circumstances apply in individual cases.	NPS YOT
3.1.4	For individuals subject to a life licence where, following 5 continuous years in the community, COMs 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.	NPS YOT
3.1.5	For individuals subject to an IPP licence, where following 5 continuous years in the community, COMs 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/LDU or equivalent, who will take the final decision.	NPS YOT
3.1.6	For individuals subject to a life licence, if COMs 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	NPS YOT

	decide whether exceptional circumstances apply in individual cases.	
3.1.7	For individuals subject to an IPP licence, if COMs 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/LDU or equivalent who will take a final decision. It is for the responsible Head of Service/LDU or equivalent to decide whether exceptional circumstances apply in individual cases.	NPS YOT
3.1.8	If COMs consider that an increase in the frequency of supervision is required, this decision will be taken within the NPS division, and will not require Life or IPP Progression Panel consideration.	NPS YOT
3.1.9	COMs will consider frequency of supervision in accordance with risk of Serious Harm (RoSH) levels and agreed Risk Management Plans (RMP)/Sentence Plans (SP).	NPS YOT
3.1.10	On submitting a request to reduce supervision to less than monthly, COMs must provide the Lifer/IPP Progression Panel (and Head of Service/LDU or equivalent) with clear justification for the decision.	NPS YOT
3.1.11	COMs 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.	NPS YOT

3.2 Parole Eligible Licence Variation

This section of the Policy Framework applies to all indeterminate sentenced individuals and parole eligible determinate sentenced individuals once they have been released into the community subject to licenced supervision.

Application for Variation		Action By
3.2.1	Where the COM considers it necessary to vary an individual's licence, the COM 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.	NPS YOT
3.2.2	The endorsement procedures set out in the Licence Variation Report must be followed.	NPS YOT

3.2.3	Where time allows, the COM must ensure that the variation request has been discussed with the individual prior to submitting the request to PPCS.	NPS YOT
3.2.4	The COM 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 must submit these to PPCS together with the report. See guidance section 5.2.5 for further information.	NPS YOT
3.2.5	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.	NPS YOT
Referral to the Parole Board and the Parole Board's Decision		Action By
3.2.6	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
3.2.7	The Parole Board will issue the decision to PPCS and the COM, individual and legal representative, where applicable.	Parole Board ¹
3.2.8	Upon receipt of the decision, where the variation is agreed, PPCS will issue a variation order to the COM.	PPCS
3.2.9	Where there have been variations to victim related conditions, the COM 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.	NPS YOT
3.2.10	The COM must ensure that the decision and variation order are disclosed and explained to the individual as soon as possible.	NPS YOT

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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.

Application to suspend the Supervisory Conditions of an Indeterminate Licence	Action By	
3.3.1	A Lifer Panel must consider all applications from COMs 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/LDU, will decide whether applications should be endorsed.	NPS YOT
3.3.2	An IPP Progression Panel must consider all applications from COMs 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/LDU or equivalent for a decision on whether the application will be submitted to PPCS.	NPS 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/LDU or equivalent (in IPP cases) to consider whether exceptional circumstances apply in individual cases.	NPS YOT
3.3.4	The COM 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.	NPS 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 must consider this request sympathetically, taking into account any emotional harm for the victim that may arise.	NPS PPCS
3.3.6	A Lifer Panel/ Head of Service/LDU 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.	NPS YOT
3.3.7	COMs 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.	NPS 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 (SP), and that the risk management plan (RMP) is robust and sufficient to manage the individual's identified risks without supervision.	NPS YOT
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.	NPS 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/LDU or equivalent (following recommendation by an IPP Progression Panel for IPP cases), the COM must complete the Suspension of Supervision Report (available on N-Delius) and submit this to PPCS. See constraint paragraphs 4.3.1 to 4.3.2 and guidance section 5.3 for further information.	NPS YOT
3.3.11	The endorsement procedures set out in the Suspension of Supervision report must be followed.	NPS YOT
3.3.12	The COM must ensure that the suspension request has been discussed with the individual prior to submitting the request to PPCS.	NPS YOT
3.3.13	The COM 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 must submit these to PPCS together with the report. See guidance section 5.3.8 for further information.	NPS YOT
3.3.14	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
3.3.15	In all other cases PPG will decide if cases will be submitted to the Parole Board for consideration.	PPG
Referral to the Parole Board and the Parole Board's Decision		Action By
3.3.16	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

3.3.17	The Parole Board will issue the decision to PPCS and the COM, individual and legal representative, where applicable.	Parole Board ²
3.3.18	PPCS will issue any Variation Order where applicable.	PPCS
3.3.19	The COM must ensure that the VLO is notified. The VLO must ensure that the victim is notified of the decision as soon as possible.	NPS YOT
3.3.20	The COM must ensure that the decision and variation order is disclosed to the individual as soon as possible.	NPS 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.

Application for Re-imposition of Supervision Element of an Indeterminate Licence		Action By
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.	NPS 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/LDU or equivalent to take a decision on whether a formal application should be submitted to the Parole Board for a decision.	NPS 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/LDU or equivalent must endorse the application for re-imposition of supervision for submission to PPCS.	NPS YOT
3.4.4	Where time allows, the COM must ensure that the re-imposition request has been discussed with the individual prior to submitting the request to PPCS.	NPS YOT
3.4.5	The COM 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 must submit these to PPCS together with the report. See guidance section 5.4.4 for further information.	NPS YOT
3.4.6	Where considered necessary, an application to re-impose the supervisory conditions of a licence must be made via the Re-	PPCS NPS

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	imposition of Supervision Report (available on NDelius) and be submitted to PPCS. See guidance section 5.4.1 for further information.	YOT
3.4.7	The endorsement procedures set out in the Re-imposition of Supervision report must be followed.	NPS YOT
3.4.8	The COM 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. The "Victim(s) issues" section on the Re-imposition of Supervision Report must be completed before the report is submitted.	NPS YOT
3.4.9	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.	NPS YOT
Referral to the Parole Board and the Parole Board's Decision		Action By
3.4.10	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 have already issued their decision.	PPCS
3.4.11	The Parole Board will issue the decision to PPCS and the COM, the individual and legal representative, where applicable.	Parole Board ³
3.4.12	PPCS will issue any Variation Order where applicable.	PPCS
3.4.13	The COM must ensure that the VLO is notified. The VLO must ensure that the victim is notified of the decision as soon as possible.	NPS YOT
3.4.14	The COM must ensure that the variation order is provided to the individual as soon as possible and fully explained	NPS YOT

³ Whilst this document sets out the actions for which the Parole Board is responsible, this document does not bind the Parole Board in any way as it is an internal policy document of the Ministry of Justice.

3.5 IPP Licence Termination

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

Individuals on Licence Applications direct to the Parole Board		Action By
3.5.1	Where the individual applies directly to the Parole Board, the Parole Board is responsible for notifying PPCS via a standard direction of any applications made directly to them and for providing PPCS with a copy of the individual's application and the individual's contact details	PPCS NPS YOT
3.5.2	PPCS will notify the COM 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). A copy of the individual's application will also be provided.	PPCS NPS YOT
Individuals on Licence Applications via NPS		Action By
3.5.3	Where the individual applies directly to the NPS, the COM must complete the Termination of IPP Licence Report (available on NDelius at NAT Req Termination of IPP Licence). The report must be sent to PPCS within 28 calendar days of the termination request being made by the individual.	NPS YOT
Completion of Termination of IPP Licence Report		Action By
3.5.4	The COM must contact the VLO to ascertain if the victim wishes to provide a view on the application to terminate the licence. Where a VPS is submitted, the COM must provide a copy to PPCS. PPCS is responsible for submitting the VPS to the Parole Board (see P114/2016 Handling Of Sensitive Information, Including Information Provided By Victims, for The Purpose Of Parole Board Reviews for guidance on non-disclosure).	NPS YOT PPCS
3.5.5	The endorsement procedures set out in the Termination of IPP licence report must be followed.	NPS YOT
3.5.6	The COM must ensure that the Termination of IPP licence Report is disclosed to the individual.	NPS YOT
3.5.7	The COM 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 Termination of IPP Licence Report. Should the individual provide their own representations then the COM must submit these to PPCS together with the report. See guidance section 5.5.7 for further information.	NPS YOT
Referral to the Parole Board and the Parole Board's Decision		Action By
3.5.8	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	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.	
3.5.9	The Parole Board will issue the decision to PPCS, the COM, the individual and legal representatives (where applicable).	Parole Board ³
3.5.10	The COM 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.	PPCS
3.5.11	Where an oral hearing takes place, the Parole Board are responsible for issuing the Parole Board decision to PPCS, COM, individual and legal representative.	PPCS NPS YOT
3.5.12	Where the Parole Board direct that the individual's licence should be terminated (either on the papers or following oral hearing), PPCS will issue a termination order to the COM and PNC Bureau.	PPCS NPS YOT
3.5.13	The COM must provide the termination order to the individual as soon as possible.	NPS YOT

4. Constraints

- 4.1 NPS 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, PPCS will not submit any applications to the Parole Board unless all sections of the report have been fully completed.

4.3 **Suspension of Supervision**

Suspension of the supervision element of indeterminate licences		Action By
4.3.1	<p>The following licence conditions must not be suspended and should be present on all licences:</p> <ul style="list-style-type: none"> • He/she shall be of good behaviour and not behave in a way which undermines the purpose of the licence period; • He/she shall not commit any offence; <p>See requirement section 3.3</p>	PPCS NPS YOT
4.3.2	An application to suspend the supervisory conditions can only be submitted to PPCS for referral to the Parole Board once this has been agreed by an NPS Lifer/IPP Progression Panel (with responsible Head of Service/LDU or equivalent sign off).	NPS YOT

4.4 IPP Licence Termination

Termination of IPP Licences		Action By
4.4.1	A Termination application can only be made after the qualifying period of ten years following the individual's first release from custody.	NPS YOT
4.4.2	COMs may not prevent an individual from applying for consideration to be given to terminating an IPP licence, as individuals are legally entitled to make this request once the 10 year period has elapsed; the 10 year period commences from the original release date. However, once an application is made an individual can only make a further application after 12 months has passed since determination of the previous application.	NPS YOT

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 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.
- 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 immediate re-release is directed, the recall decision still stands and therefore the 5 year period will restart following re-release. If COMs 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/LDU or equivalent via an IPP Progression Panel. It is for Lifer/IPP (responsible Head of Service/LDU 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/LDU 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/LDU 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 will use their professional judgment when considering frequency of supervision in accordance with risk of Serious Harm (RoSH) levels and agreed RMP/SPs. On submitting a request to reduce supervision to less than monthly, the COM must provide the Lifer/IPP Progression Panel (responsible Head of Service/LDU or equivalent) with clear justification for the decision.
- 5.1.6 COMs 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 are expected to consult with relevant agencies prior to a Level 1 review and hold professionals meetings where necessary. 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 The COM may consider it necessary to vary (add, amend / remove) licence conditions for an individual. 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 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.
- 5.2.4 The COM 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.
- 5.2.5 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.

- 5.2.6 Where the licence condition being varied is victim related, the COM 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 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.
- 5.2.7 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.
- 5.2.8 The Parole Board will make the final decision on whether the licence should be varied.
- 5.2.9 Should the licence variation application be refused by the Parole Board then the NPS should only consider re-submitting an application regarding the same condition(s) where new and significant risk related evidence has been received.

5.3 Applications to Suspend Supervisory Conditions

- 5.3.1 A COM 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: **Link to EQuIP**
- 5.3.2 The COM 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/Local Delivery Unit (LDU) or equivalent. COMS 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/LDU 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/LDU or equivalent).
- 5.3.3 For the COM to be able to recommend the suspension of the supervisory element, it requires evidence of each of the following:
- a stable lifestyle, good integration, a balanced outlook and an open relationship with the Supervising Officer;
 - gradual reduction in the requirement for contact with the NPS/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 NPS/YOT for assistance on a voluntary basis if necessary.

5.3.4 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 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 can evidence that an individual understands their risks and has been able to demonstrate that they understand their RMP.

5.3.5 COMs 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. 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 may also wish to consider if it would be appropriate to seek recommendations from the identified key stakeholders.

5.3.6 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/LDU or equivalent) to consider whether exceptional circumstances apply in individual cases.

5.3.7 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.

5.3.8 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

5.3.9 The COM 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 takes these views into consideration within the decision-making process for the request to suspend supervision.

5.3.10 If there are additional conditions relating to victims on the indeterminate licence, the COM 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 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. Should the COM 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.

Referral to the Parole Board and the Parole Board's decision

5.3.11 Upon receipt of an application from the COM, and once agreed by PPG, PPCS will then formally refer the case to the Parole Board with the dossier.

5.3.12 The Parole Board will make the final decision on whether supervision should be suspended.

5.3.13 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.

5.3.14 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.

5.3.15 If an application is unsuccessful then it will need to be agreed by the Lifer/IPP Progression Panel (responsible Head of Service/LDU or equivalent) when they decide to submit another application. It is recommended that the COM 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 to request via PPCS that supervisory conditions are re-imposed on an individual's life/IPP licence; the responsible NPS Head of Service/LDU 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 should discuss with their Head of Service/LDU 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/LDU 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: **Link to EQUIP**

- . 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. If supervision is re-imposed, the COM 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 NPS 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 NPS may refer the process as per sections 5.4.1 & 5.4.2)

5.5 IPP Licence Termination

- 5.5.1 IPP sentenced individuals have the right, under section 31A of the Crime (Sentences) Act 1997, to apply for consideration to be given to terminating their IPP licence 10 years after their initial release, regardless of whether they have subsequently been recalled and re-released.
- 5.5.2 An IPP sentenced individual can apply direct to the Parole Board for the termination of their licence to be considered. Applications should be sent either by post to The Parole Board for England and Wales, Floor 3, 10 South Colonnade, Canary Wharf, London, E14 4PU, United Kingdom or via email to info@paroleboard.gov.uk. The Parole Board will notify PPCS of the application via a standard direction and will provide a copy of the individual's application. PPCS will then notify the COM of the application and will provide them with a copy and request that they prepare the Termination of IPP Licence Report to PB (guidance available on Equip, which can be accessed via the following link: **Link to EQUIP**).
- 5.5.3 Alternatively, IPP sentenced individuals can submit a termination request to the COM, who will then prepare the Report.

- 5.5.4 The COM will then submit the report to PPCS. It is important that the report provides a clear recommendation from the COM as to whether they consider that the individual's risk has reduced to such a level that it is appropriate for the individual's IPP licence to be terminated. It must also provide as much information as possible to inform the Parole Board's decision. The COM must notify the VLO of the application to terminate the individual's licence. The VLO will contact the victim, providing them with the opportunity to submit a VPS.
- 5.5.5 The COM will need to undertake a series of checks with agencies, including the Police National Computer (PNC) and Police Service, Children's Social Care, Adult Safeguarding, and community partners (where applicable). Where the individual has come to the attention of any of these agencies, the COM should provide further details in the relevant section of the report. The COM should also consider whether the information provided by the agencies represents a concern or not.
- 5.5.6 Upon receipt of the contact details from the Parole Board, PPCS will contact the relevant NPS LDU to request that the COM invite the individual to meet to discuss their application and complete the report. This is particularly important where an individual has been in the community for a number of years, and either after the 10 year expected period of supervision has elapsed or they are no longer under active supervision. The individual may also submit their application to the NPS. The COM will then need to carry out the above checks and complete the report.
- 5.5.7 It is important that an individual is provided with the opportunity to make further representations in respect of an application to terminate their licence (to the extent they have done so in their initial application or request). 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.
- 5.5.8 The process for IPP licence termination applications will broadly follow the Member Case Assessment (MCA) process, so the Parole Board will initially consider each case on the papers. The Parole Board will only direct an oral hearing where such a hearing is considered necessary but will consider any such request within the application from the individual.
- 5.5.9 The Parole Board will make the final decision on whether the IPP licence should be terminated.
- 5.5.10 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.
- 5.5.11 If the application is unsuccessful then the individual will be eligible to apply again for termination of their licence 12 months after the Parole Board's decision.
- 5.5.12 Upon an unsuccessful outcome it is also open to the Parole Board 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/removed. For further guidance please refer to sections 5.2 and 5.3

5.5.13 Once an IPP licence has been terminated, unlike the suspension of supervision, all of the licence conditions are terminated and may not be re-imposed. The individual also cannot be recalled as she/he is no longer on licence.