



Policy name: Supervision of Indeterminate Sentences Policy Framework

Reference: N/A

Issue Date: 7 November 2024.

Implementation Date: 7 November 2024

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

- Managing Parole Eligible Offenders on Licence Policy Framework

Introduces amendments to the following documents: N/A.

Action required by:

<input checked="" type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input checked="" type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input checked="" type="checkbox"/>	The Probation Service
<input checked="" type="checkbox"/>	Under 18 Young Offender Institutions	<input checked="" type="checkbox"/>	Other providers of Probation and Community Services
<input checked="" type="checkbox"/>	HMPPS Rehabilitation Contract Services Team		

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 offenders 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 offender 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 which they develop on account of and in connection with of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

All references to “offender/offenders on licence” within this Framework also refer to those young offenders 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) except where explicitly stated.

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How will this Policy Framework be audited or monitored: : His Majesty’s Prison and Probation Service (HMPPS) Prison Group Directors, Regional Probation Directors 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: 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. Relevant parts of this Framework are aligned 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 or termination of licence will be 3 continuous years for all IPP offenders and 2 years for all DPPs (see 1.5). Given the removal of the requirement for annual licence termination considerations by the Parole Board plus the savings from the new automatic termination provisions which will result in a reduction of those requiring supervision, the overall resource impact of this policy is positive. The expectation is that some of those having their licence terminated will have had this happen in any case, and therefore the resource impact benefits of this policy decline as time goes on.

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1. Purpose

- 1.1 This framework sets out the actions which the Probation Service and Public Protection Group (PPG) must complete with respect to all indeterminate sentenced offenders on licence.
- 1.2 Where the Parole Board directs the release of an indeterminate sentence prisoner, the Parole Board will set the licence conditions. By law, and in accordance with this Policy Framework, the Parole Board is responsible for determining any application to suspend, re-impose or terminate (in the case of IPP offenders) the licence, including varying or removing licence conditions.
- 1.3 When making decisions on offenders' cases, staff must ensure that offenders 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.
- 1.4 Upon commencement of the IPP provisions in the Victims and Prisoners Act 2024, on 1 November 2024, the automatic IPP/DPP licence termination will be implemented as set out. The changes to suspension and the new qualifying period for when cases must be referred for consideration of IPP/DPP licence termination by the Parole Board will commence on 1st February 2025.
- 1.5 Whilst this document sets out the actions for which the Parole Board is responsible, this document does not bind them in any way as it is an internal policy document of the Ministry of Justice/His Majesty's Prison and Probation Service (HMPPS).
- 1.6 In this Framework, when we mention the qualifying period for DPPs we are referring to those who were convicted under the age of 18, received a preventive sentence, and are not serving any other IPP sentence in respect of an offence for which they were convicted when over 18.

2. Outcomes

- 2.1 This framework aims to:
 - provide all participants with clear understanding of and timescales for their part of each relevant process;
 - ensure all decisions are made in line with the Equality Act 2010, and HMPPS Equalities Policy;
 - provide practitioners with clear instructions on the process for seeking to reduce or increase the frequency of supervision sessions;
 - provide a clear and effective process for making applications to the Parole Board to suspend/re-impose the supervision requirements in licences of offenders released from life or IPP /DPP sentences;
 - provide practitioners with clear guidance as to when an application to suspend/re-impose supervision should be submitted;
 - provide a clear and effective process for making automatic referrals to the Parole Board to terminate the licence of eligible IPP/DPP offenders;
 - ensure that victims receive clear and relevant information regarding the applications set out in this Framework and are informed of developments as required;

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- provide the Parole Board with a dossier containing a robust and current assessment of the offenders risk and which is comprised of good quality reports (further information can be found in Part B of the schedule of the Parole Board Rules) produced by authors with a good understanding of the case, thereby assisting the Parole Board to make an informed decision; and
- provide a process which facilitates the timely and efficient disclosure of information to enable the prisoner to submit representations to the Parole Board.

3. Equalities Considerations

- 3.1 The Public Sector Equality Duty and Equality Act 2010 provides protection from unlawful discrimination in relation to the following characteristics: age, disability, gender reassignment, pregnancy & maternity (which includes breastfeeding), race, religion or belief, sex, marriage and civil partnership, and sexual orientation. Further information can be found in the HMPPS Equality Analysis Policy Framework.
- 3.2 HMPPS is committed to eliminating all forms of discrimination, to promoting equality and diversity, and to ensuring equal access to services. No child or group of children should be disadvantaged in being able to access services which meet their needs. HMPPS recognises that all children have a right to equal protection from harm and abuse. This includes protecting children irrespective of cultural sensitivities: different practices are no excuse for child abuse and neglect.
- 3.3 There is a potential for bias in decision making; therefore, it is recommended that HMPPS staff who are involved with working with offenders undertake Diversity and Inclusion Training. This training can be found on the Diversity and Inclusion learning and development hub.
- 3.4 For IPP women, staff should consider consultation with the Women's Estate Psychology Services (WEPS) as part of the IPP Community Pathway to support any decision-making process (with regards to suspension, reduction of frequency and termination). Where there is active consultation with WEPS under the IPP Community Pathway, the consultation process can be utilised for support during the decision-making process (with regards to suspension, reduction of frequency and termination).
- 3.5 Guidance on the Language Services available to the Probation Service is available on Equip. This includes translation, transcription, braille services and interpreting services (including British Sign Language).

4. Frequency of Supervision

- 4.1 Probation Practitioners must determine the frequency of supervision on a case-by-case basis, using their professional judgment, in accordance with Risk of Serious Harm (RoSH) levels and agreed Sentence Plans/RMP (risk management plan) and in line with the requirements and guidance of this Policy Framework. In addition, further information can be found on Equip.
- 4.2 The minimum requirements for supervision differ depending on the type of indeterminate sentence being served.

The minimum supervision requirements for offenders on life licence are:

- Minimum of monthly reporting for the first five continuous years in the community.
- If recalled:
 - the five-year period restarts upon re-release by the Parole Board;

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- if the recall is rescinded, and the recall is effectively cancelled, the five-year period will not restart, and the time continues as if the recall never occurred.
- After five years continuously in the community, the Probation Practitioner can consider reducing the frequency of supervision further where appropriate, which must be approved by a Lifer Panel.
- In exceptional circumstances, the Probation Practitioner may seek approval by a Lifer Panel prior to five years in the community to reduce the reporting frequency.
- Supervision approved by the Lifer Panel may not be reduced to fewer than once every two months.

The minimum supervision requirements for IPP/DPP offenders are:

- Minimum of monthly reporting for the first two continuous years in the community following initial release by the Parole Board.
- If recalled:
 - The two-year period restarts upon re-release by the Parole Board or the Secretary of State
 - If the recall is rescinded, or the Secretary of State exercises their power to disapply the effect of the recall for the purposes of the two-year period, the period does not restart. The time continues as if the recall never occurred and their licence will automatically terminate two years after the end of the qualifying period so long as they are not recalled again.
- After two years in the community, the Probation Practitioner can consider reducing the frequency of supervision further where appropriate, which must be approved by the IPP Progression Panel and the Head of Service/PDU Head (as appropriate).
- In exceptional circumstances, the Probation Practitioner may seek approval from the Head of Service/PDU Head (as appropriate) prior to two years in the community to reduce the reporting frequency.
- Supervision approved by the Head of Service/PDU Head may not be reduced to fewer than once every two months.

What staff must do

4.3 Before making a request to the Head of Service/PDU Head to reduce the frequency of supervision, Probation Practitioners must:

- ensure the minimum supervision requirements are met;
- consider the views of Multi Agency Public Protection Arrangements (MAPPA) partners in advance of taking a case to a Lifer or IPP/DPP Progression Panel. All MAPPA managed cases must undergo appropriate level review processes prior to a Lifer or IPP/DPP Progression Panel;
- notify the Victim Liaison Officer (VLO) of the application prior to submitting it to the Lifer or IPP/DPP Progression Panel. The VLO must contact the victim for their views on the application;
- consider frequency of supervision in accordance with Risk of Serious Harm (RoSH) levels and agreed Risk Management Plans (RMP)/Sentence Plans; and
- consider any impact on risk to self and staff, and review, where necessary, relevant safety planning as part of the risk management process. Further information on risk to self is available here: HMPs risk of serious harm guidance - GOV.UK (www.gov.uk).

What staff should know

- 4.4 For Level 2 and 3 cases, a formal MAPPA meeting will be required. For Level 1 cases, a documented formal review will suffice. 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, the VISOR extract function should be selected on nDelius and submitted to the Lifer or IPP/DPP Progression Panel.
- 4.5 If a Probation Practitioner assesses that an increase in the frequency of supervision is required, this decision will be taken by the Head of Service/PDU Head and will not require Life or IPP Progression Panel consideration.

5. Suspension of Supervision

- 5.1 Probation Practitioners can request the suspension of the supervisory conditions of an Indeterminate Sentenced Prisoner (ISP) licence after a minimum period of continuous, trouble free resettlement and good behaviour in the community other than in exceptional circumstances. The minimum periods are as follows:

- Lifers:
 - After 10 years; and A minimum of 12 months thereafter.
- IPP:
 - **From 1 November 2024:**
 - After 5 years; and
 - A minimum of 12 months thereafter

From 1st February 2025:

For offenders serving the IPP sentence, when the Parole Board consider licence termination, they also can consider whether to suspend supervision. At this point, Probation Practitioners can give their view on suspending supervision on this at the same time they give their view on termination. The minimum eligibility period in the community is as follows:

- IPP:
 - 3 years after initial release on licence (as part of the statutory Parole Board IPP Licence Termination review); and
 - At the 4-year point after initial release, if supervision is not suspended or the licence terminated by the Parole Board at the end of the 3-year qualifying period, Probation Practitioners can further consider suspending supervision at their own discretion.
- DPP:
 - **From 1 November 2024:**
 - After 5 years; and
 - A minimum of 12 months thereafter
 - **From 1st February 2025:**
 - 2 years after initial release on licence (as part of the statutory Parole Board DPP Licence Termination review).
 - At the 3-year point after initial release, if supervision is not suspended or the licence is not terminated by the Parole Board at the end of the 2-year qualifying period, Probation Practitioners can further consider suspending supervision at their own discretion.

What staff must do

- 5.2 The Probation Practitioner must be able to evidence the following in order to recommend the suspension of the supervisory element, namely that:
- the offender has attained enough stability to be able to live offence-free, settle into the community in a proactive way, have appropriate problem-solving skills and an open relationship with the supervising officer;
 - there has been a gradual reduction in the requirement for contact with the Probation Service/YOT;
 - the offender has dealt crises, if any, sensibly, with proper involvement of the supervising officer; and
 - the offender is likely to turn to the Probation Service/YOT for assistance on a voluntary basis if necessary that the individual understands their risks and their RMP.
- 5.3 Staff should also consider any impact on risk to self and should include those considerations as part of the risk management process.
- 5.4 The Probation Practitioner must inform the lead Senior Probation Officer of their intention to consider suspension of supervision and that a Progression Panel is required.
- 5.5 The Probation Practitioner must provide relevant and appropriate evidence in the Suspension of Supervision report that can be found on nDelius. Where relevant, this could include: home visits; contact with family; intelligence reports from the police, summary of contact with Psychology Services Group; children's services; or employers etc. This list is not exhaustive, and the Probation Practitioner must include any other evidence deemed appropriate to evidence that risk has reduced to a level that does not need active case management. Where information is subject to non-disclosure concerns, staff must follow the process set out in the Handling of Sensitive Information Policy Framework.
- 5.6 Prior to submitting the Suspension of Supervision Report to PPCS:
- the Progression Panel will consider the individual's suitability for the suspension of supervision based on the information provided in the report; and
 - the Probation Practitioner must discuss the suspension request with the offender on licence and disclose a copy of the report.
- 5.7 The offender on licence must have the opportunity to make representations in respect of an application to suspend supervision. The offender can do so, either by adding their own to the space provided on the representations form or by indicating that their legal representative will do so on their behalf.
- 5.8 The Probation Practitioner must inform the offender that they have 7 days to submit representations in respect of the application using the representations form, attached to the Suspension of Supervision Report. Should the offender provide their own representations then these must be submitted to PPCS together with the report.
- 5.8 Where there is a Victim Contact Scheme (VCS) victim involved in the case, the Probation Practitioner must contact the VLO to ascertain the views of the victim. Whilst the victim is not invited to complete a Victim Personal Statement (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 will submit the VPS to the Parole Board. VLOs must copy the Probation Practitioner into this notification.

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- 5.9 Should the victim(s) request that these conditions remain on the licence, the 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. The Suspension of Supervision Report must specify whether it is recommended that any victim related additional conditions are removed, amended or are to remain, including the reasons for that recommendation. The recommendation should also include how the enforcement of these conditions will be managed in the absence of active supervision.
- 5.10 Any requests to add, remove or vary licence conditions as part of the overall suspension of supervision application on an ISP licence which has active VCS involvement must be approved by the Head of Public Protection Group (PPG).
- 5.11 In all other cases PPCS will decide whether to submit cases to the Parole Board for consideration.
- 5.12 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 offender's representations have been received, or, if none have been received, until the 7-day deadline for representations has expired. PPCS will submit the offender's representations to the Parole Board whenever they are received, unless the Parole Board have already issued their decision.
- 5.13 Upon receipt of the Parole Board's decision to suspend supervision:
- PPCS will issue the Parole Board Decision and variation order to the Probation Practitioner and legal representative (where applicable).
 - The Probation Practitioner must notify the VLO.
 - The VLO must notify the victim that an offender's supervision has been suspended as soon as possible and inform them that the individual's case will be reviewed if there are any concerns/adverse developments.
 - The Probation Practitioner must disclose the decision and variation order to the offender on licence as soon as possible.

What staff should know

- 5.14 The following standard licence conditions must remain on a licence following suspension of other licence conditions:
- You shall be of good behaviour and not behave in a way which undermines the purpose of the licence period.
 - You shall not commit any offence.
 - You must tell the supervising officer if you use a name which is different to the name or names which appear on your licence.
 - You must tell the supervising officer of a change, or any additional contact details, including any phone number or email.
- 5.15 The Suspension of Supervision Report should specify whether it is recommended that any additional conditions are removed, varied or are to remain, including the reasons for that recommendation.

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- 5.16 Where the Probation Practitioner is considering making an application for suspension of supervision, the offender should ordinarily be assessed as low risk of serious harm. However, this does not prevent the COM/Probation Practitioner applying where the offender 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.
- 5.17 The Parole Board will make the final decision on whether supervision should be suspended. The Board will take the decision on the papers, unless IPP/DPP licence termination is also being considered at the same time.
- 5.18 Any suspended conditions may be re-imposed (subject to Parole Board approval) or the licence revoked and the offender recalled to prison at any time should their behaviour give cause for concern under the good behaviour standard licence condition.

6. Reimposition of Supervision

- 6.1 Where it is considered that an offender's risk can no longer be safely managed in the community without supervision, it is the responsibility of the Probation Practitioner to request via PPCS that supervisory conditions are re-imposed on a licence. This may be considered in cases where recall is not deemed necessary on the grounds of public protection, but:
- behaviour has given cause for concern;
 - there has been a conviction for a further offence;
 - the offender's domestic circumstances have changed;
 - mental health has deteriorated to a point where there is no alternative but to reimpose active supervision.

What staff must do

- 6.2 Prior to submitting a re-imposition application the Probation Practitioner must 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, a Lifer or IPP/DPP Progression Panel (responsible Head of Service/PDU or equivalent sign off for IPPs/DPPs) must be convened within a week to approve the application, and where this is not possible, this should be clearly outlined and recorded on nDelius.
- 6.3 In exceptional circumstances, where it is not possible to convene a Lifer or IPP/DPP Progression Panel in sufficient time, the responsible Head of Service/PDU or equivalent must endorse the application for re-imposition of supervision for submission to PPCS, prior to their submission to the Parole Board.
- 6.4 Probation Practitioners must keep the risk posed by the offender under review and, if further advice is needed, must discuss with their Senior Probation Officer (SPO)/Assistant Chief Officer (ACO) to check if recall is required if the risk has become unmanageable. If Probation Service believe risk is unmanageable then the Probation Practitioner must contact the Recall Team in PPCS for advice on whether the recall threshold has been met. The team can be contacted on either recall1@justice.gov.uk or recall2@justice.gov.uk. Please see further guidance on re-imposition on Equip. For further guidance on the recall of indeterminate sentenced individuals please see the Recall, Review and Re-Release of Recalled Prisoners Policy Framework.
- 6.5 Where it is considered appropriate to reinstate active supervision of a lifer or an IPP/DPP sentenced offender, a Lifer or an IPP/DPP Progression Panel must be convened to consider the evidence and to take a decision on whether a formal application should be

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submitted to the Parole Board for a decision. In IPP/DPP Cases, any decision must also be approved by the Head of Service/PDU Head (as appropriate).

- 6.6 The Probation Practitioner must ensure that the VLO is notified of the application and liaise with the VLO to ensure that it includes up to date victim related information.
- 6.7 Where time allows, the Probation Practitioner must discuss the re-imposition request with, and disclose a copy of the report to, the offender prior to submitting the request to PPCS.
- 6.8 The Probation Practitioner must inform the offender that they have 7 days (from the disclosure of the report) to submit representations in respect of the application using the representations form, attached to the Re-imposition of Supervision Report. Should the offender provide their own representations then these must be submitted to PPCS together with the report and a copy of the representations form.
- 6.9 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.
- 6.10 Upon receipt of the application, PPCS must compile and formally refer the dossier to the Parole Board. Unless there are exceptional circumstances, PPCS must not submit the dossier to the Parole Board until the offender'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.
- 6.11 Upon receipt of the Parole Board's decision:
 - PPCS will issue it and any variation order to the Probation Practitioner and legal representative (where applicable).
 - The 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.
 - The Probation Practitioner must provide the variation order to the offender as soon as possible and fully explained.

What staff should know

- 6.12 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.
- 6.13 The Parole Board will make the final decision on whether supervision should be re-imposed. The Board will take the decision on the papers, unless IPP/DPP licence termination is also being considered at the same time.
- 6.14 Should the Parole Board not agree to re-impose supervision then the Probation Service must continue to keep the offender's case under review. If it is considered that the offender cannot be managed without supervision then the Probation Service may make a further application to the Parole Board providing further evidence on why supervision should be re-imposed.

7. IPP/DPP Termination of Licence

Consideration of IPP Licence Termination by the Parole Board

7.1 This section of the Policy Framework applies to IPP and DPP individuals who are not serving any other life sentence where:

From 1 November 2024:

- The 10-year qualifying period has elapsed since their original release for those subject to IPP/DPP licence.

From 1st February 2025:

- the 3-year qualifying period has elapsed since their original release for those subject to IPP licence; or
- the 2-year qualifying period has elapsed since their original release for those subject to DPP licence (and are not serving any other preventive sentence).

What staff must do

- 7.2 PPCS will notify the Probation Practitioner, three months prior to the offender becoming eligible for consideration of termination of IPP/DPP Licence, **to allow for the required progression panel to be convened and the report to be provided within two months of the request from PPCS** (Termination of IPP/DPP Licence Report– available on nDelius at NAT Req Termination of IPP/DPP Licence).
- 7.3 Upon receipt of the notification from PPCS, the Probation Practitioner must inform the lead Senior Probation Officer that an IPP/DPP Progression Panel is required to consider the termination referral. The IPP/DPP Progression Panel must discuss the offender's suitability for IPP/DPP Licence Termination prior to the submission deadline of the IPP/DPP Licence Termination Report to PPCS.
- 7.4 The Probation Practitioner must contact the VLO at the earliest opportunity to ascertain if the victim wishes to submit a VPS 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 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).
- 7.5 The Probation Practitioner must contact the offender to discuss the termination referral and ascertain their views. Where they have been unable to contact the offender, they must evidence the attempts that have been made within the report.
- 7.6 Where the offender has contact with the Probation Service, Probation Practitioners must disclose the Termination of Licence report to the offender. The Probation Practitioner must inform the offender that they have 7 calendar days (from the disclosure of the report) to submit representations in respect of the referral using the representations form, attached to the Termination of Licence Report. Should the offender provide their own representations these must be submitted to PPCS together with the report. The offender's representations must not be sent direct to the Parole Board, they must be sent to PPCS in the first instance.
- 7.7 Upon receipt of the Termination Report, PPCS must compile and then formally refer the dossier to the Parole Board. Unless there are exceptional circumstances, PPCS must not submit the dossier to the Parole Board until the offender's representations have been

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received, or, if none have been received, until the 7-calendar day deadline for representations has expired. PPCS will submit the offender's representations to the Parole Board whenever they are received unless the Parole Board have already issued their decision.

- 7.8 The Probation Practitioner must notify PPCS of any new developments after the report is submitted so that the Parole Board can be informed and can take all relevant considerations into account to make an informed decision.
- 7.9 All IPP/DPP Licence Termination Parole Board decisions are subject to the 21-calendar day reconsideration window. All HMPPS staff must ensure that they follow the requirements set out in the Reconsideration of IPP/DPP Termination Parole Board Decisions chapter.
- 7.10 Once the reconsideration window has closed, or following a reconsideration application where the Parole Board have confirmed the final decision to terminate the IPP/DPP licence, the following steps are required:
- PPCS will issue the Parole Board Decision and variation order to the Probation Practitioner, legal representative (where applicable) and PNC Bureau within three working days from receipt. This means the sentence has ended, and all licence conditions will cease to exist, including any victim-related conditions, such as exclusion zones, and recall proceedings will no longer be possible.
 - The Probation Practitioner must notify the VLO, who must then notify the victim of the decision as soon as possible.
 - The Probation Practitioner must disclose the decision and provide the Termination order to the offender as soon as possible, and record this on nDelius.
- 7.11 Where the Parole Board decides not to terminate the licence, they can, recommend that the supervisory conditions of an offender's licence be suspended and/or any extra conditions on the licence to be added/varied. The licence will automatically terminate after a further 2 years in the community if the licence is not revoked in that 2-year period. After 1 November 2024, there will be no further annual reviews to the Parole Board for consideration of licence termination.
- 7.12 The statutory requirement to refer a case to the Parole Board for consideration of IPP licence termination applies only to offenders who are serving one or more preventive sentences and are not also serving a life sentence (as these licences cannot be terminated).

What staff should know

- 7.13 The Secretary of State for Justice (SSJ) has a statutory duty to refer offenders to the Parole Board for consideration to terminate their IPP licence once the relevant qualifying period has passed.
- 7.14 An offender only needs to serve the qualifying period once so, even if they have been recalled to custody, or had their supervision suspended, if they have served the qualifying period, they are eligible for referral to the Parole Board for consideration of licence termination. However, an IPP/DPP offender who remains in prison having been recalled at the time they meet the qualifying period will not be eligible for immediate consideration of licence termination. Instead, when the Parole Board consider the case for re-release, and make a decision that the release test has been met, they will also consider whether that release would be conditional (on licence) or unconditional (no licence) – see 7.30 below for more information.

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- 7.15 Where an offender has been deported from the UK (including removal under the Tariff Expiry Removal Scheme (TERS)) they will only be eligible for automatic referral to the Parole Board for consideration of licence termination in cases where their release has been directed by the Parole Board prior to deportation. If they return to the UK before their licence is terminated, it will remain active, and they will be subject to further deportation proceedings.
- 7.16 Where an offender is released, then detained under the Mental Health Act 1983 and not recalled, they will remain eligible to be referred to the Parole Board for consideration of termination of licence when they reach the eligibility point.
- 7.17 The Parole Board is responsible for making the final decision on whether to terminate the licence. IPP/DPP licence termination 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 offender. Where the Parole Board decide to conclude on papers that the offender's licence should not be terminated, there is no option to request an oral hearing, and the decision is final after the reconsideration period has ended.

Parole Board Decision Summaries

What staff must do

- 7.18 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 Probation Practitioner.
- 7.19 The Parole Board is responsible for providing the PBDS to PPCS, the prison (if applicable), the VLO and the Probation Practitioner.
- 7.20 Upon receipt of the PBDS, the VLO must disclose a copy to the victim as soon as possible.
- 7.21 Where the prisoner has been released from recall or a further sentence, the Probation Practitioner must disclose a copy of the PBDS to the offender as soon as possible.

Automatic IPP Licence Termination

What staff must do

- 7.22 This section applies to all IPP offenders who have met qualifying period for licence termination consideration *and* are approaching the point where they have spent 2 **further** continuous years in the community without recall.
- 7.23 All IPP/DPP offenders will have the IPP/DPP Licence automatically terminated without reference to the Parole Board where:
- a period of 3 years has elapsed since their original release on IPP licence, or a period of 2 years has elapsed since their original release on DPP licence; **and**
 - they have spent a **further** 2 continuous years in the community without being recalled to prison.
- 7.24 Where an IPP/DPP offender has been recalled during the 2-year continuous period, the Secretary of State may exercise their power to treat the licence as if it had remained in force for the period of the recall. Where the power is applied, the 2-year continuous period will not reset, and the original 2-year period will continue as if it was unbroken by the original recall. They will still be eligible for automatic licence termination at the end of that 2-year period.

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See Recall and IPP/DPP Licence Termination chapter below (see paragraph 7.30 to 7.34) for more information.

- 7.25 In the period before the IPP/DPP offender reaches the automatic termination date, Probation Practitioners must discuss the implications of the licence coming to an end with the IPP/DPP offender and identify any outstanding support needs.
- 7.26 PPCS must check the IPP/DPP offender's eligibility for automatic licence termination and, where the offender fits the above criteria, will issue the termination order, which will confirm the termination in writing to the Probation Practitioner and PNC Bureau. The Termination order confirms the termination, but the termination itself takes effect from the specific date at which the 2-continuous years is spent, even if the Termination Order has not yet been issued.
- 7.27 Upon receipt of the Termination Order, the Probation Practitioner must provide it to the offender as soon as possible and inform any agencies involved with the individual's case.
- 7.28 The Probation Practitioner must also notify the VLO who must then notify the victim of the licence termination as soon as possible.
- 7.29 Only those serving IPP/DPP sentences are eligible for automatic licence termination. If an offender is also serving a life sentence, they are not eligible as these licences cannot be terminated.

IPP/DPP Licence Termination for recalled cases

What staff should know

- 7.30 For IPP offenders who have been recalled and remain in prison custody at the point that they reach the end of the qualifying period, the Parole Board will consider whether they should be released unconditionally (i.e. without a licence) once they have determined that the release test is met. In these cases:
- where the Parole Board direct release and direct that the offender will be released unconditionally, **the sentence will end when the decision becomes final.**
 - where the Parole Board direct release but decide that release should not be unconditional, the IPP/DPP offender will be released on licence. The IPP/DPP offender will then be eligible for automatic licence termination if they are not recalled in the following two years.
- 7.31 There will be no separate IPP/DPP Licence Termination consideration for recalled cases in prison at the end of the qualifying period.
- 7.32 Where an offender is released, recalled and then detained under the Mental Health Act 1983, the recall review will be suspended until they are conditionally discharged from hospital or remitted back to prison custody. The Parole Board will not consider the termination of licence until the recall review takes place.
- 7.33 PPCS, on behalf of the Secretary of State, has the power to release, following a risk assessed recall review, IPP prisoners into the community subject to licensed supervision at any time during the recall period
- 7.34 The Secretary of State has the power to disapply the effect the recall of an IPP/DPP offender will have on the two-year qualifying period for automatic licence termination where it is in the interests of justice to do so, where the Parole Board or the Secretary of State have directed release. This power is separate to the power to retake a decision on a recall. In practice PPCS will consider the use of this power in individual cases on behalf of the Secretary of

State. Where the power is used, the licence will be treated as having remained in force for the period of the recall, so the two-year period for automatic termination will not be interrupted by the recall. The power to disapply cannot be applied retrospectively to cases where release following recall took place prior to commencement of the IPP provisions in the Victims and Prisoners Act 2024. More information on the power to disapply and risk assessed recall reviews can be found in the Recall, Review and Re-Release of Recalled Prisoners Policy Framework.

8. IPP/DPP Reconsideration of Termination of Licence Parole Board Decision

- 8.1 Following a Parole Board decision to terminate or not to terminate an IPP/DPP licence, or to release a recalled IPP/DPP offender who has met the relevant qualifying period unconditionally or on licence, PPCS, on behalf of the Secretary of State, and the offender (or their representative) have 21 calendar days from the decision date 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 are sent via email to the Functional Mailbox (FMB) Reconsideration@paroleboard.gov.uk. The decision will remain provisional for 21 calendar days, after which it will become final (unless an extension request or an application for reconsideration has been submitted).
- 8.2 Only PPCS, on behalf of the Secretary of State, or the offender 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 then consider if the eligibility criteria has been met. Victims, or VLOs on their behalf, can submit requests to PPCS (who will act on behalf of the Secretary of State) via the FMB 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 do so in a timely manner so the Secretary of State can give full consideration to the request.
- 8.3 The offender cannot have their IPP/DPP 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.
- 8.4 Extension requests and reduction requests should only be submitted in exceptional circumstances.
- 8.5 Extension requests or reduction requests can be submitted to the Parole Board by either the individual (or their legal representative), or PPCS, on behalf of the Secretary of State. Where PPCS or the individual wishes to request an extension of the application window, the extension request will be sent direct to the Parole Board FMB Reconsideration@paroleboard.gov.uk within the 21 calendar day deadline.
- 8.6 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*”. The Secretary of State or a prisoner (or legal rep, if applicable) can apply to alter the normal time limits. A reduction of this reconsideration window would bring forward the final Parole Board decision and the termination of the IPP/DPP Licence.
- 8.7 Applications for reconsideration should only be submitted where the eligibility criteria are met, as follows. A party may apply to the Board for the case to be reconsidered on the grounds that the decision:

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- a. contains an error of law;
- b. is irrational (in the legal sense); or
- c. is procedurally unfair.

- 8.8 PPCS may decide internally that a reconsideration application should be submitted to the Parole Board. In these cases, PPCS will notify the Probation Practitioner, VLO, prisons (where applicable), and the legal representative (where applicable). VLOs must inform the victim as soon as possible that an application for reconsideration will be made. It is a matter for the Parole Board whether they dismiss the application or direct that the decision should be reconsidered.
- 8.9 Where the individual is in the community, the Probation Practitioner must inform the individual as soon as possible. Where the individual is held in prison custody, prisons must disclose a copy of the notification to the prisoner within one working day of receipt.
- 8.10 PPCS is responsible for submitting the application to the Parole Board Reconsideration Team for a review by their reconsideration assessment panel. The Parole Board are responsible for making the final decision.