

Imprisonment for Public Protection Member Guidance

February 2025 (V1.2)

Document History

Document version	Date of Issue	Revision description
1.0	11/10/2024	Interim Guidance
1.1	31/01/2025	IPP licence termination guidance now incorporated into this guidance. Revised to take account of the: <ul style="list-style-type: none">• Parole Board (Amendment) Rules 2024.• Victims and Prisoners Act 2024.• Refreshed HMPPS IPP Action Plan• The key revisions are set out in the Table of Changes
1.2	19/02/2025	Amended to include the need for panels to explicitly reference/address the presumption of termination in IPP Licence Termination decisions.

Contents

Executive Summary	4
CHAPTER ONE – GENERAL INFORMATION	6
1 Introduction	6
2 Background	7
3 Parole Board Policies	8
4 Key Concerns	9
<i>Injustice of the sentence</i>	9
<i>Hopelessness and uncertainty</i>	9
<i>Self-harm and suicide</i>	11
<i>System capacity</i>	12
CHAPTER TWO – GPP REVIEWS	14
5 Advice for Panels	14
<i>Pre-tariff reviews</i>	14
<i>On/post tariff reviews</i>	15
<i>Open conditions</i>	17
<i>Pre-release considerations</i>	18
<i>Approved Premises</i>	20
<i>Psychology services in the community</i>	22
CHAPTER THREE – ON LICENCE AND RECALLS	23
6 Licence Variations	23
7 Supervision on Licence	23
8 Suspension of Supervision	23
9 Re-imposition of Supervision	25
10 Recalls	26
11 Release following Risk Assessed Recall Review (RARR)	27
CHAPTER FOUR – LICENCE TERMINATION	29
12 Licence Termination Legislation	29
13 Parole Board Rule 31	29
14 The Referral and Powers of the Board	30
15 The IPP Licence Termination Dossier	31
16 Considering the Referral	33
<i>IPP-sentenced individuals in the community</i>	33
<i>Directing an oral hearing when the individual is on licence</i>	36
<i>IPP-sentenced individual back in custody</i>	37

<i>Re-release directed</i>	38
<i>No release directed</i>	38
17 Writing the Decision	39
<i>Writing the decision where the individual is in the community</i>	39
<i>Writing the decision where the individual is back in custody</i>	41
18 Automatic Licence Termination	42
CHAPTER FIVE - ROUTES OF CHALLENGE	44
19 Reconsideration	44
20 Set Aside	44
CHAPTER SIX – HMPPS ACTIVITIES	46
21 HMPPS IPP Action Plan	46
<i>HMPPS IPP Action Plan high-level principles</i>	46
<i>Key worker scheme</i>	47
<i>HMPPS Psychology Services</i>	48
<i>Rehabilitative Services</i>	49
<i>Progression Opportunities</i>	49
<i>Pathways and Environments</i>	52
CHAPTER SEVEN – OTHER KEY CONSIDERATIONS	53
22 Victims	53
23 Detention for Public Protection (DPP)	53
24 Women Serving an IPP Sentence	54
25 Mental Health	55
<i>IPP-sentenced prisoners in secure hospitals or remitted to prison</i>	57
<i>MHA Section 117 aftercare</i>	57
26 Neurodivergent Prisoners	59
27 Support and Campaign Groups	59
<i>Family</i>	59
<i>HMPPS Initiatives</i>	60
28 Further Reading	61

Executive Summary

IPP Guidance

The full guidance can be read [here](#).

Definitions

An Imprisonment for Public Protection (IPP) sentence was available for courts to impose from 2005 to 2012. IPP sentences operate in the same way as life sentences, in that there is no guarantee that the individual will ever be released.

A Detention for Public Protection (DPP) sentence was given to an individual who was under 18 at the time of conviction.

Policies (Section 3)

MCA Panels can:

- Conclude any IPP case **on the papers** irrespective of whether it is an initial release at tariff expiry date or post tariff, a recall, or a licence termination.

Oral hearing panels can:

- Also conclude **on the papers under rule 21** where appropriate and in the interest of justice.

IPP cases are listed under the Listing Prioritisation Framework in line with life sentence prisoners.

DPP cases are given top priority at both MCA and oral hearing listing stages.

Key Concerns (Section 4):

- **Injustice of the sentence:** It has been repealed and is considered unfair.
- **Hopelessness:** The lengthy periods of imprisonment and uncertainty over release has led to significant concerns for these individuals, particularly in relation to their mental health.
- **Self-harm and suicide:** There is evidence of profound levels of psychological harm caused by IPP sentences, including evidence of high levels of self-harm and suicide rates.
- **System capacity:** The context of prison capacity and prison-based barriers to IPP sentence progression.

Advice for Panels (Section 5):

- The vast majority of cases will be **well over tariff at the time of the hearing**, and this should be taken into consideration along with all relevant work and interventions to inform their risk assessment.
- Whilst panels have no responsibility for sentence planning, it is possible to suggest how progression may happen without being prescriptive.

The codified public protection test applies to IPP cases. Public protection must remain the overriding concern.

Licences & Recalls (Section 6-11):

- The Board can decide to **suspend the supervisory condition** of an IPP licence after a **period of continuous, trouble-free resettlement** in the community:
 - **IPP:** three years after initial release; and four years after initial release (if licence not yet terminated).
 - **DPP:** two years after initial release; and three years after initial release (if licence not yet terminated).
- Additional information about suspension and reimposition of supervision can be found in the [Duty Member Activities Guidance](#).
- For the first review following recall, panels will first need to **determine whether the recall was appropriate**, as required by *Calder* and then **consider whether re-release can be directed**.

Licence Terminations (Section 12-18):

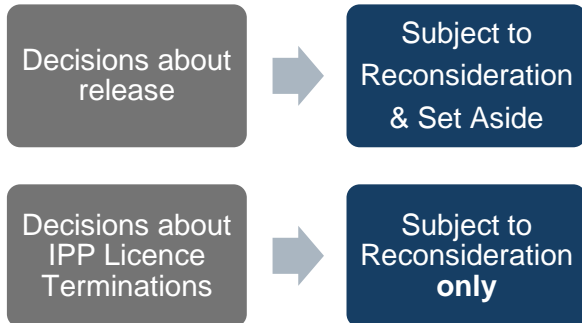
IPP sentenced prisoners have the right to have their IPP licence considered for termination once they meet the qualifying period, regardless of any recall:

- **Two** [for DPP licences] or **three** [for IPP licences] years since their initial release.

- In eligible cases the starting point is a **presumption of termination**. Full justification for not terminating the licence on public protection grounds must be set out in the decision.
- Any individual also serving a life sentence is not eligible to have their IPP licence terminated at any point.
- **Directions to oral hearing should only be required in exceptional circumstances.**
- Once recalled to prison, there is no licence in place and panels will be considering whether re-release should be unconditional or on licence.

The decision must demonstrate that a presumption of termination has been applied. Where applicable, panels should indicate why, despite the presumption, the application to direct termination has been declined.

Routes for Challenging Decisions (Section 19-20)



Renewed HMPPS IPP Action Plan 2023 (Section 21)

A **refreshed** plan has been developed, with nine areas of focus to improve the management of IPP cases.

Victims (Section 22)

- With the public focus on those serving the IPP sentence, **victims may feel overshadowed and forgotten.**
- It is vital that victims are considered appropriately in parole proceedings.
- **Ensuring the victim has been offered relevant entitlements** is important, particularly for considering licence termination.

DPP (Section 23)

- Those sentenced to **DPP were children when convicted** and placed in custody.
- Panels may wish to seek advice from **specialist members** when considering appropriate risk assessment tools for this cohort.

Child offending may be important for panels to reflect on when considering maturation and custodial behaviour and risk.

Women (Section 24)

- Women serving an IPP sentence can have complex needs, and there is often involvement from the HMPPS Women's Estate Case Advice and Support Panel (WECASP).

Mental Health (Section 25):

- There is a **high incidence** of poor mental health or transfer to secure psychiatric hospitals for IPP cases.
- A Mental Health cohort of members manage all cases where the prisoner has been detained under the Mental Health Act in a secure hospital setting as a restricted patient. **Any non-Mental Health cohort panel receiving a mental health case should check with the Secretariat before proceeding.**
- This guidance draws attention to utilising the **provisions for aftercare under Section 117.**

Support and Campaign Groups (Section 27):

- Multiple reports have evidenced the importance of support from family, which can be a **Protective Factor.**
- Where appropriate, panels may consider directing family members as witnesses. **It is not recommended that victims be called as witnesses.**

SharePoint Resources

This guidance is further supported by background information resources and other helpful resources [here](#) on the IPP sentence.

CHAPTER ONE – GENERAL INFORMATION

1 Introduction

- 1.1 The purpose of this guidance is to provide panels with points to consider when undertaking parole reviews for individuals sentenced to an Imprisonment for Public Protection (IPP) or Detention for Public Protection (DPP) sentence. For the purposes of this guidance, reference to the IPP sentence and licence will also include the DPP sentence and licence, except where different criteria are specifically applied. DPP sentences were given to individuals who were under 18 at the time they were convicted of the offence committed.
- 1.2 It has been updated to take account of the amendments to the Parole Board Rules 2019 (as amended) (“the Rules”)¹ and relevant provisions in the Victims and Prisoners Act 2024 (“the VAP Act”).²
- 1.3 This guidance will support panels in identifying ways of working to effectively assess these cases fairly and justly, whilst maintaining a focus on risk and the codified public protection test.³ Public protection is the overriding priority. It is universally accepted that a bespoke focus is required when reviewing IPP-sentenced individuals.
- 1.4 It provides information to panels when considering referrals to terminate an IPP licence.
- 1.5 This guidance additionally sets out information about initiatives and approaches taken by HM Prison and Probation Service (HMPPS) colleagues for progressing IPPs and how these might be taken into account by the panel when considering the codified public protection test for release or a move to open conditions.
- 1.6 Panels should bear in mind the following when reading this guidance:
 - Keep the focus on the codified public protection test
 - Be mindful of the key concerns set out in section four and any link these might have to the assessment of risk and decision-making
 - Note information about HMPPS duties or initiatives which aim to assist panels to:
 - Understand the wider HMPPS aims related to progressing IPPs
 - Be aware of what work may be taking place with the individual within HMPPS
 - Ask questions of witnesses and/or seek out relevant information about progress
 - Take note of key messages which have been written in **bold**

¹ Please note the Parole Board Rules have been amended several times, most recently in 2024. References to the Rules in this guidance take account of this. Thereafter, references throughout the rest of the guidance will be to ‘the Rules’.

² [Victims and Prisoners Act 2024](#).

³ As introduced by the VAP Act 2024 and set out in detail in the Types of Cases Guidance.

2 **Background**

- 2.1 IPP sentences were available for courts to impose from 2005 to 2012. In total 8,711 IPP sentences were handed down. They were designed to detain individuals in prison who posed a significant risk of causing serious harm to the public through Serious Further Offences (SFOs)⁴ until they no longer posed such a risk and could be safely released on licence.
- 2.2 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)⁵ abolished IPP sentences. However, this did not apply retrospectively and therefore those who had already been sentenced to an IPP continue to serve their sentence.
- 2.3 IPP sentences operate in the same way as life sentences in that there is no guarantee that the individual will ever be released. The release of an individual sentenced to an IPP remains a decision for the Board to make and is binding on the Secretary of State (subject to official routes of challenge).
- 2.4 As reported on 30 January 2025,⁶ there were approximately 3,999 individuals who were still subject to an IPP sentence. This comprised:
- 2,614 IPP individuals in custody:
 - 8 pre-tariff
 - 1,037 not yet released
 - 1,569 in prison following recall
 - Approximately 250 individuals detained under the Mental Health Act (MHA) as a restricted patient in secure hospitals
 - 1,135⁷ individuals on an IPP licence in the community
- 2.5 It is worth noting that those IPP-sentenced individuals still in custody include those:
- Who were given short minimum terms, and who are now well beyond their tariff (some in excess of ten years)
 - Who have served for longer post-tariff than the original minimum term
 - Who were sentenced as children to DPPs who have spent all or most of their whole adult life in prison
 - Who were sentenced prior to 2008 but would not have met the revised "seriousness threshold" following the change brought in by the Criminal Justice and Immigration Act 2008⁸ and would have instead been given a determinate sentence

⁴ SFOs are qualifying violent or sexual offences listed in Schedule 15a to the Criminal Justice Act 2003, committed by individuals who are the subject of probation supervision. [SFO qualifying list](#).

⁵ [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(LASPO\)](#).

⁶ MoJ Offender Management statistics quarterly: [July to September 2024](#) (as of 30 January 2025).

⁷ There were 2,885 individuals on licence as of 30 September 2024 and approximately 1750 had their licence [automatically terminated on 1 November 2024](#).

⁸ [The Criminal Justice and Immigration Act 2008](#).

- Who were sentenced for offences which would not, prior to 2005, have received an indeterminate sentence
- Who committed offences that were so serious that they could have received a discretionary life sentence after the sentence was abolished

2.6 For a more detailed background and history of the IPP sentence please go to the following SharePoint page: [IPP Background and History](#).

3 Parole Board Policies

3.1 The codified public protection test was introduced under Sections 58 and 59 of The VAP Act 2024. The test applies to IPP cases, as it does for all other cases and came into force on 3 February 2025.

The core test is that release or re-release can only be directed if a panel is satisfied that it is no longer necessary for the protection of the public that the prisoner be confined [in prison]. A direction for release must not be made, unless the panel considers that there is no more than a minimal risk of the prisoner committing a further offence which would cause serious harm, should they be released. The codified public protection test also sets out some of the factors that must be considered when making this decision. Panels should not be influenced or persuaded to step outside of this core principle when making independent decisions.

3.2 There are currently no specific Parole Board policies for requiring an oral hearing for either IPP Generic Parole Process (GPP) reviews or IPP review of recalls and panels have flexibility to decide cases on their individual merits in line with the relevant pieces of guidance.⁹ Member Case Assessment (MCA) panels can conclude any IPP case on the papers where there is sufficient information to make a decision and fairness does not require an oral hearing.¹⁰ An oral hearing is not required unless the circumstances merit exploring oral evidence from witnesses or meet other criteria as set out in the Supreme Court's judgment in *Osborn, Booth & Reilly (OBR)*.¹¹

3.3 When listing IPP cases for both MCA and oral hearing, they are prioritised in the same way as other indeterminate sentences (but see paragraph 3.4 below on DPP cases). Ordinarily, they are given first priority based on their review type, once other exceptional or top priority cases have been listed.

3.4 It should be noted that both the Prioritisation Framework for Paper Reviews under the MCA process¹² and Listing Prioritisation Framework for Oral Hearings¹³ require that individuals convicted when under 18 years of age

⁹ It should be noted that a range of initiatives may be piloted by the IPP Taskforce during 2025.

¹⁰ Subject to some exceptions which require an oral hearing if release on the papers cannot be directed (see section 9 of the MCA guidance for more information)

¹¹ See section six of the MCA Guidance for more information about the Osborn criteria.

¹² [Prioritisation Framework for MCA Paper Reviews \(June 2023 v1.0\)](#).

¹³ [Listing Prioritisation Framework for Oral Hearing \(May 2023 v4.0\)](#).

will be automatically prioritised. This is irrespective of whether they are GPP reviews or recall reviews.

- 3.5 This prioritisation includes DPP cases and will also apply to any individual who should have been given a DPP rather than an IPP by virtue of the fact they were convicted when they were under 18 years of age.

4 Key Concerns

- 4.1 The Ministry of Justice and the wider Criminal Justice System has recognised the concerns raised since the introduction of IPP sentences and subsequent abolition. These concerns are significant and some of the main points are set out below.

Injustice of the sentence

- 4.2 There are numerous studies and reports articulating what many feel is the injustice of the sentence, with the following being of particular note.
- 4.3 In 2020, the Prison Reform Trust (PRT) undertook a study into individuals recalled to prison whilst serving an IPP sentence.¹⁴ The researchers stated that:

"The IPP sentence provokes strong emotions in both people who are subject to its strictures and the criminal justice practitioners involved in the administration or implementation of its requirements. The fact that the government acknowledged that the legislation was unfair when repealing it has left almost all the people still serving IPP sentences with a strong sense of injustice. The majority of criminal justice professionals we interviewed felt the same way, whilst still being bound by their duty to fulfil their legal responsibilities to the best of their ability".

- 4.4 In 2022, the final report from the Independent Commission into the experience of victims and long-term prisoners¹⁵ was published. It was informed by the results of a survey of the family members of individuals serving IPP sentences and included a recommendation to end the injustice they faced.
- 4.5 In 2023 the United Nations¹⁶ urged the Government to step up efforts to tackle the inequality of access to rehabilitation opportunities for IPP-sentenced individuals and highlighted the significant psychological harm they were suffering as a result of this sentence type.

Hopelessness and uncertainty

¹⁴ Prison Reform Trust: ["No life, no future, no freedom" \(2020\)](#).

¹⁵ ICEVLP: [Making sense of sentencing: doing justice to both victims and prisoners \(2022\)](#).

¹⁶ [UK: UN torture expert calls for urgent review of over 2,000 prison tariffs under discredited IPP sentencing scheme, OHCHR \(August 2023\)](#).

- 4.6 The lengthy periods of imprisonment and uncertainty over release has led to significant concerns for IPP-sentenced individuals, particularly in relation to their mental health. The term most frequently used to describe how IPP-sentenced individuals feel about their sentence is “*hopelessness*”.
- 4.7 Various publications exploring the issues with the IPP sentence highlight the feelings of individuals serving them:
- Many feel like they are without a path to get out and have no chance of being released. Some have stopped engaging in their parole hearings as they feel there is no point. Individuals reported being in “*limbo on this sentence*” and having a sense of being completely trapped in the system. Recall of individuals serving IPP sentences not only leaves them feeling hopeless but leaves their families with a sense of hopelessness too.¹⁷
 - Individuals are unable to accept their indefinite future detention and restriction whilst serving alongside others whose continued imprisonment appears to be justified by considerations of more serious actions in the past.¹⁸
 - The halfway point of a sentence has been identified as significant for coping with long sentences. Indeterminacy removes these significant psychological markers: there is no “*home stretch*”.¹⁹
 - Within custody, research has found that in some cases IPP-sentenced individuals felt that their sentence plan demanded too little of them, and they faced substantial periods of purposeless “*nothing time*”.²⁰
- 4.8 In 2023, the Government rejected the Justice Select Committee’s (JSC) recommendation for a resentencing exercise for those serving IPP sentences.²¹
- 4.9 Following this, Independent Monitoring Boards (IMBs) interviewed individuals serving an IPP sentence about the impact of this decision, and the sentence itself, on their wellbeing and published a briefing report.²² IPP-sentenced individuals who spoke to IMBs described increased feelings of hopelessness and frustration following the announcement, which was a catalyst for poor mental health, violence, and disruptive behaviour.
- 4.10 The IMB briefing noted that across 24 prisons in England and Wales it was found that:
- Many IPP-sentenced individuals were questioning whether they would ever be released and were fearful that they would die in prison

¹⁷ *User Voice: the voice of people on IPP (2024)*.

¹⁸ *Dr Roger Grimshaw Centre for Crime and Justice Studies: [How to resolve the IPP problem for good \(February 2024\)](#)*.

¹⁹ *Crewe B., et al., “Swimming with the Tide”: Adapting to Long-Term Imprisonment Justice Quarterly Vol. 34, No. 3 pp. 517-541 (June 2016)*.

²⁰ *Prison Reform Trust ‘[Making Progress? What progression means for people serving the longest sentences](#)’ (2022)*.

²¹ *JSC Ninth Special Report of Session 2022-23: IPP sentences: Government and Parole Board Responses to the Committee’s Third Report (February 2023)*.

²² *IMB: [The impact of IPP sentences on prisoners’ wellbeing \(2023\)](#)*.

- Progression pathways were poor and unclear, with many being unable to access the courses they needed for parole and release
- There was inadequate preparation for release, which could lead to recall to prison; for example, because of issues arising from the loss of accommodation

Self-harm and suicide

4.11 In its 2022 report²³ the JSC acknowledged the profound levels of psychological harm caused by IPP sentences, citing the evidence of high levels of self-harm and suicide rates amongst IPP-sentenced individuals.

4.12 In evidence given to the JSC²⁴ in 2022, the following points were of note:

- The clinical presentation of IPP-sentenced individuals is increasingly akin to those who have been wrongfully convicted and the circumstances surrounding the sentence has led to a sense of helplessness. Many have become institutionalised.
- From its inception, both sentenced individuals and professionals did not know what the sentence was and what the implications were for such a sentence. With time, and a better understanding of the implications of the sentence, there was a deterioration in the presentation and mental health of individuals serving IPP sentences.
- Given the psychological harm that has ensued as a result of the sentence and conditions attached to it, many have argued that assessing risk is more complicated for IPP-sentenced individuals than is the case for other prisoners. The sentence, with its mental health impact, has been described as a “vicious cycle”, because mental health issues can sometimes be related to behaviours which might be indicative of risk escalation. Therefore, when preparing reports for, or giving evidence to Parole Board panels, it must be considered.

4.13 In 2023, the Prisons and Probation Ombudsman (PPO) went as far as stating that an IPP sentence should be considered as a potential risk factor for suicide and self-harm due to the anxiety and hopelessness it can cause.

4.14 The PPO published a Learning Lessons Bulletin²⁵ on the self-inflicted deaths of IPP prisoners which identified that the Assessment, Care in Custody and Teamwork (ACCT) process should consider the IPP sentence as a potential risk factor to suicide and self-harm. The report identified risk factors as:

- Recall, parole hearings (and delays), re-categorisation, prison transfers and return from open conditions
- Decision not to follow a recommendation about a move to open conditions
- Interviews with police

²³ JSC IPP sentences: Third Report of Session 2022-23 (September 2022).

²⁴ [Evidence given by Dr Dinesh Maganty, Consultant Forensic Psychiatrist to the Justice Select Committee IPP Sentences: Third Report of Session 2022-2023 \(September 2022\).](#)

²⁵ [PPO 'Learning Lessons bulletin: Fatal Incident Investigations – Self-inflicted deaths of IPP prisoners' \(2023\).](#)

- 4.15 The report also identified that IPP-sentenced individuals should be prioritised for key work to help with levels of engagement and build trust. Preparing for the parole process should be covered in regular key work sessions and alternatives and opportunities must be provided to IPP-sentenced individuals who do not meet the threshold to participate in Offending Behaviour Programmes (OBPs).
- 4.16 In a briefing for an oral question in the House of Lords in March 2023,²⁶ the Faculty of Forensic Psychiatry stated:
- "We note the evidence of the profound and lasting impact the IPP sentence on the psychological well-being of prisoners sentenced in this way and on their loved ones with over a quarter of the 250 people who have died since the sentence was imposed having died by suicide. Further, self-harm rates are nearly twice those of other prisoners and very much higher than in the wider community".*
- 4.17 One of the key points identified in the briefing was that Mental Health Services in prison are not equipped to manage the complexities of IPP-sentenced individuals, and additional resource and development of expertise is needed.
- 4.18 HMPPS has produced an IPP toolkit which has a range of information and advice for prisons. There is a short overview of the toolkit and a Safety Learning Bulletin. Both can be found on SharePoint: External IPP published research, reports and articles.

System capacity

- 4.19 In its 2022 report, the JSC called the current regime for managing IPP-sentenced individuals inadequate in supporting their specific needs and called for swift improvement in the quality of support they should be given. Under the IPP sentence, release is based on successful rehabilitation and the individual no longer being deemed a risk to the public. However, the JSC found that inadequate provision of support services inside prison and in the community on the outside led to a "recall merry-go-round" with almost half of IPP-sentenced individuals in custody having been released previously.
- 4.20 The JSC, as well as IPP campaign organisations, have emphasised the prison-based barriers to IPP sentence progression, with a lack of capacity to deliver the identified interventions to demonstrate sentence progression and reduced risk and therefore the potential for release.²⁷
- 4.21 Whilst directly addressing the above issues is outside of the Board's remit, panels may wish to consider that each individual coming before them may have experienced or be suffering from any or all of the above to some

²⁶ [Royal College of Psychiatrists \(2023\), Oral Question, House of Lords 1st March 2023.](#)

²⁷ *It should be noted that HMPPS take a different view and in more recent times the challenge has not been a lack of capacity, rather the individual's needs are complex and require additional or alternative interventions to those more generally available.*

degree. **This inevitably will have had an impact on behaviour for many of them in both the custodial setting and whilst in the community on licence. Panels will need to bear this in mind when they carry out their assessment of risk.**

4.22 **Additionally, panels should be mindful that custodial behaviour might on occasion only reflect the custodial experience, including the individual's level of coping skills and interaction or engagement with others, which may not provide a clear indication of likely behaviour in a community environment. Again, panels will need to bear this in mind when they carry out their assessment of risk.**

4.23 More information on reports and government responses on IPP sentences is available on the SharePoint page: [Justice Select Committee Reports and Government Responses.](#)

CHAPTER TWO – GPP REVIEWS

5 Advice for Panels

- 5.1 **The codified public protection test applies to IPP cases, as it does for all other cases.** The core test is that release or re-release can only be directed if a panel is satisfied that it is no longer necessary for the protection of the public that the prisoner be confined [in prison]. A direction for release must not be made, unless the panel considers that there is no more than a minimal risk of the prisoner committing a further offence which would cause serious harm, should they be released. The codified public protection test also sets out some of the factors that must be considered when making this decision.
- 5.2 Individuals serving an IPP sentence who are in custody and have never been released are likely to have amassed a complex range of needs during their time in the custodial setting which might make their progression challenging.
- 5.3 Agencies should provide comprehensive evidence which focuses on risk and be fully prepared for questioning at oral hearings to ensure the IPP-sentenced individual has the best chance of progression. Progressing onto licence in the community initiates the individual's journey towards eventual termination of the licence and the end of the sentence.

Pre-tariff reviews

- 5.4 Pre-tariff cases are where the individual has not yet reached their Tariff Expiry Date (TED) and so cannot be released from prison. Panels reviewing a pre-tariff IPP referral can only consider a move to open conditions.
- 5.5 There were only 8 pre-tariff IPP cases (all male) remaining in the system as of 30 January 2025²⁸ and so these will now be very rare.
- 5.6 It is for the Secretary of State to determine whether to seek advice from the Board about the suitability of a pre-tariff IPP-sentenced prisoner to move to open conditions. There is no requirement for the Secretary of State to seek advice from the Board and the decision can be made with no involvement of the Board.
- 5.7 Whilst sentence planning is not part of a panel's function, the Supreme Court's judgment in *OBR* stated that:

"The Board's decision, for the purposes of this guidance, is not confined to its determination of whether or not to recommend the prisoner's release or transfer to open conditions but includes any other aspects of its decision (such as comments or advice in relation to the prisoner's treatment needs or the offending behaviour work which is required) which will in practice have a significant impact on his management in prison or on future reviews."

²⁸ Offender Management statistics quarterly: [July to September 2024](#) (as of 30 January 2025).

- 5.8 This confirms the important role of the Board, including at pre-tariff stage where progression to open conditions or remaining in closed conditions are the only options.
- 5.9 Panels are uniquely placed in these circumstances to review a pre-tariff prisoner's progress in addressing their risk of causing serious harm to the public. **Whilst panels should not comment on specific sentence planning, they will be able to identify outstanding risk factors that need to be addressed to prepare a prisoner for potential release at tariff expiry.** The panels review could uncover options or types of work that may be beneficial, although it will be for HMPPS to determine exactly how to address any area of risk. This not only ensures fairness to the prisoner but also adds value to the process as it focuses those responsible for sentence planning on key risk issues and helps to ensure that prison resources are appropriately targeted.
- 5.10 **Panels will need to follow the terms of the referral and ensure each of the criteria are met, as set out in the Secretary of State's Directions to the Parole Board on 1 August 2023 (Transfer of indeterminate sentence prisoners (ISPs) to open conditions).**²⁹

On/post tariff reviews

- 5.11 The majority of IPP cases are now post-tariff and so will have had at least one previous parole review. Panels will need to consider the current review on its own merits. However, it will be helpful to review the previous decision/s to see what was identified as requiring further work and whether that work was completed. **The Board's case manager should be directed to provide the previous parole decisions if not present.**
- 5.12 There are many IPP-sentenced prisoners who are now significantly over-tariff and have never been released. It will be important for panels to reflect on how this affects their consideration of applying the codified public protection test.
- 5.13 It is worth remembering that in the case of *Osborn -v- Parole Board [2013] UKSC 61*³⁰ where the Supreme Court gave guidance as to how the Board should take into account that a prisoner serving an indeterminate sentence was over tariff. At para 2 (6) in a summary of its findings the Court said:
- "When dealing with cases concerning post-tariff indeterminate sentence prisoners, it should scrutinise ever more anxiously whether the level of risk is unacceptable, the longer the time the prisoner has spent in prison following the expiry of his tariff."*
- 5.14 At para 83 of the judgment the Court said that this was not new guidance and had been said more than once. The Supreme Court relied on two decisions of the Court of Appeal as having said the same thing.

²⁹ [SharePoint: Open Conditions and Release on Temporary Licence.](#)

³⁰ [Osborn -v- Parole Board \[2013\] UKSC 61](#)

5.15 Simler J re-affirmed this as the correct position in her judgment in *Hall -v- Parole Board [2015] EWHC 252(Admin)*.³¹ She said at para 38:

"The requirement of ever more anxious scrutiny as time goes on, is a requirement to look more carefully and more closely at the level of risk posed by the prisoner, the longer the detention lasts, and does not involve any lowering of the threshold for release the longer the detention lasts."

5.16 The purposes of sentences include deterrence and rehabilitation, and the longer a prisoner serves in prison the more likely it is that those aims have been achieved. While some academics might doubt the effectiveness of deterrence in sentencing, it is recognised by Parliament as a purpose of imprisonment. Furthermore, it is the experience of the criminal justice system that one of the principal drivers of rehabilitation is age. Many prisoners do stop committing offences through the process of maturation.

5.17 While the statements of the Supreme Court were made in relation to prisoners serving sentences of life imprisonment, similar considerations apply to prisoners serving IPP sentences as is made clear by the case of *Hall*. It is arguable that they apply to an even greater degree for IPP-sentenced prisoners as HMPPS has implemented its IPP Action Plan (see section 21 for more information).

5.18 Panels should consider how they have applied the Supreme Court guidance in making their decision. It may be clear from the decision that they have taken into consideration the fact that the prisoner is over tariff at the time of the hearing, even if it is not specifically referred to. Equally, it may be apparent from the decision that there was no way in which the fact of post-tariff detention could make any difference to the decision. Being as clear as possible in the written decision may assist future panels, particular in the event of reconsideration or judicial review.

5.19 It must be remembered that the identified risks may be addressed in a variety of ways including regimes, education, therapy, one-to-one work and accredited and non-accredited programmes.³² **Evidence from all relevant work and interventions should be directed by panels to inform their risk assessment. Panels are encouraged not to focus solely on accredited offending behaviour programmes to provide evidence of risk reduction.**³³

5.20 Panels could seek confirmation as to whether the IPP-sentenced prisoner is suitable for a particular programme by directing a Programme Suitability Summary (PSS). It may be that accredited programmes are not the best, or only, way forward. This information could be provided in the Community Offender Manager (COM) or Prison Offender Manager (POM) reports.

³¹ [Hall -v- Parole Board \[2015\] EWHC 252\(Admin\)](#)

³² More information can be found in the *Interventions Guidance*.

³³ Justice Cranston in [Gill vs SSJ \[2010\] EWHC 364 \(Admin\)](#) made clear at paragraph 80

"Offending behaviour programmes are neither a necessary nor sufficient condition for release from prison. There are other recognised pathways to reduce re-offending and to achieve release".

- 5.21 In cases where the challenges of establishing what has been undertaken and how the individual can progress are proving very difficult to unpick, panels may wish to consider directing a Case Management Conference (CMC) with key attendees. This may be helpful to identify activity already undertaken and if/why progress is not being made.
- 5.22 On rare occasions, a panel may wish to invite the Secretary of State to provide a view or send a representative to the oral hearing to explain what officials have undertaken and achieved. **The Secretary of State cannot be directed to provide a view or send a representative and so this should not be relied on as a standalone solution to any gaps in evidence or understanding of the complexities of a case.** As mentioned in paragraph 5.21 above a CMC is likely to be more appropriate.

Open conditions

- 5.23 The panel can recommend that an IPP-sentenced prisoner is transferred to open conditions if it is part of the Secretary of State's referral.³⁴
- 5.24 A period of time in open conditions can be an important part of the rehabilitative process for many prisoners. In the case of high-risk prisoners such as those serving an IPP sentence, this can be an important opportunity to test:
- The impact of the offending behaviour work, including regimes, education, therapy, one-to-one work, accredited and non-accredited programmes, that have been completed during their sentence
 - Whether their risk can be safely managed in conditions of lower security and for limited controlled periods in the community
- 5.25 Operational and resource pressures within the HMPPS can and do influence progression towards release. It is not unusual for a panel to be faced with a situation where professionals are recommending a transfer to open conditions when a prisoner has completed their sentence planning targets, only to find following careful scrutiny of the evidence that specific risk factors have not been addressed, through no fault of the prisoner.
- 5.26 Conversely, there are cases where progression is not recommended because of a prisoner's behaviour in custody, but the panel ultimately finds is not relevant to their risk of serious harm or suitability for open conditions. There are also cases where it becomes apparent that offence-focused work has been proposed which is irrelevant to risk. This might be where a prisoner has committed a sexual offence as a young person and has no other history of sexual offending but is recommended to undertake sex offender treatment work. This may delay progression and divert scarce resources from those who need them most.
- 5.27 Panels may have cases where the IPP-sentenced prisoner was in open conditions but has been returned to closed conditions following an adverse development or a security issue. A prisoner being unable to sustain good

³⁴ This criteria can be found on SharePoint: *Open Conditions and Release on Temporary Licence*

behaviour in open conditions, depending on the circumstances, may not be an indication of a failure in the progression process but rather part of the practicing and testing opportunity that open conditions are designed for.

5.28 The transfer of a prisoner to open conditions, maybe multiple times, always needs the same thorough and independent scrutiny as a decision about release, because open conditions provides increased access to the public, eventually unsupervised, and is likely to inform future decisions about release.

5.29 Panels may also need to reflect on previous recommendations about suitability for a move to open conditions, particularly where the Secretary of State has chosen not to follow a recommendation and the rationale for that decision.

5.30 Panels will need to follow the terms of the referral and ensure each of the criteria are met, as set out in the Secretary of State's Directions to the Parole Board on 1 August 2023 (Transfer of indeterminate sentence prisoners (ISPs) to open conditions).³⁵

5.31 More information about considering open conditions can be found in the Types of Cases Guidance.

Pre-release considerations

5.32 There was a commitment within the HMPPS IPP Action Plan³⁶ published in April 2023 to ensure that:

- Prisons should de-categorise an IPP-sentenced prisoner to a lower security environment when it is appropriate to do so
- Sentence management delivered by the COM should be responsive to the needs of the IPP-sentenced prisoner
- Key workers, POMs, and COMs will prioritise IPP-sentenced prisoners and should provide a high quality of service to them
- All practitioners involved in sentence management of IPP cases in prison and the community should understand the sentence management model, their role in it, the role of other HMPPS practitioners, and the role of partner organisations such as mental health providers
- The sentence plan specifies the required interventions to reduce risk
- IPP-sentenced prisoners should be in the right location to access the specified activities, services and/or interventions (using the HMPPS Progressive Transfers for Indeterminate Sentence Prisoners Policy Framework)
- Prisons should show flexibility on the requirement for a 'period of good behaviour' before eligibility for an intervention or regime
- There may be an IPP Progression Panel meeting prior to a parole review, and this should be made evident in the dossier³⁷

³⁵ SharePoint: Open Conditions and Release on Temporary Licence

³⁶ See section six for more information about the HMPPS IPP Action Plan which was refreshed in November 2024.

³⁷ An IPP Progression Panel should always take place where the individual received a no-release decision at their last parole review.

- COMs should be proactive in requesting an IPP Progression Panel if the case is lacking movement and requiring multidisciplinary discussion
- COMs should report a list of 'completed programmes' in the PAROM report, with the date of completion and whether a Post Programme Report is available in the dossier

5.33 Panels may wish to consider whether there is evidence that the above commitments have been delivered on the case before them (where relevant). Release plans should evidence good resettlement practice including:

- Early planning for release
- Co-producing plans that are not just focused on risk
- Consistent, personalised supervision
- Developing social capital – resources in the community that will address needs and build on strengths
- Being responsive to diversity and the needs of different groups
- Using a strengths-based approach – treating the person as an individual with talents and abilities who can make a positive contribution to society

5.34 **Whilst panels should not comment on specific sentence planning, they will have explored extensive evidence and will be able to identify outstanding risk factors that need to be addressed and can highlight these in directions and in decisions for future panels where release is not directed.**

5.35 In cases where there have been multiple parole reviews with little or no progression, it could be that the same gap in risk management appears each time, or that other identified needs have not been considered and formulated in relation to their impact upon risk. **Panels can address lack of progress in the decision, if the same gap or need appears in several decisions with no progress, as it may be something that needs to be explored at a CMC.**³⁸ Convening a CMC may assist panels to establish a more comprehensive understanding of the circumstances by bringing key individuals together. This can be done before determining if the case can be concluded on the papers or requires an oral hearing.

5.36 More targeted directions could be set following the CMC to follow up on actions which are agreed or thought to be necessary, or to provide explanations for inaction. **Whilst panels have no responsibility for sentence planning, it is possible to suggest how progression in these cases might happen without being prescriptive.** It will be for other professionals to determine the precise nature of the work or intervention needed.

5.37 In some situations, a staged approach to problem solving may be needed, involving more than one CMC.

³⁸ More information on Case Management Conferences can be found in the Oral Hearing Guidance.

- 5.38 Whilst adjournments should generally be avoided as they can cause unnecessary delays, panels may wish to consider whether one is appropriate if there is outstanding work or unaddressed complexities. If any outstanding work and follow-up reports cannot be completed within four months, an adjournment would not normally be appropriate because of the requirement for a speedy review.
- 5.39 Panels are reminded that the JSC report (as mentioned in paragraph 4.11) highlighted the serious detrimental impact delays in listing hearings, frequent deferrals, and concluding cases has on those serving an IPP sentence. Prompt consideration, swift listing, together with comprehensive planning and consultation between panel members, can help avoid unnecessary deferrals.
- 5.40 Please see guidance on Adjournments and Deferrals for further information.
- 5.41 In some cases, Parole Board Member Assistants may review progress with the compliance of directions and work with the Parole Board case manager and the HMPPS Public Protection Casework Section (PPCS) to deliver to deadlines ahead of a panel chair being appointed.³⁹ This may support the preparation of the case for when the panel chair comes to review if it is oral hearing ready.
- 5.42 Where the case is directed to an oral hearing and a panel chair has been appointed, Panel Chair Directions (PCDs) should be issued as soon as possible, once any update reports have been received. Issuing early PCDs provides more time ahead of the oral hearing allowing for progress to be made, including convening CMCs and compliance with directions. Where the case is not considered ready and needs to be adjourned, there may be time to list another case in its place.
- 5.43 When considering progressing an IPP-sentenced prisoner, panels may wish to reflect on the findings from Professor Stephen Shute's review of the circumstances that led to the *Worboys* case in 2017. A paper of the review, which explored pressures on both HMPPS and the Parole Board to progress IPPs, was published in the *Criminal Law Review* in November 2022. There were a number of responses to the paper and counter responses between academics. The paper and exchange of correspondence may be of interest to panels and can be read on SharePoint here: Professor Stephen Shute: Taking Risks, Losing Trust: Worboys and the Culture of the Parole Board (November 2022).

Approved Premises

- 5.44 Approved Premises (APs) can be a helpful route to assist reintegration into the community for an individual serving an IPP sentence. They are particularly beneficial if they:

³⁹ Member Assistants are staff with a risk-assessment background who are loaned to the secretariat. Their remit is to use delegated authority to assist in the progression of reviews, for example by directing information and completing oral hearing readiness checks.

- Have been in the custodial setting for a significant period of time.
- Have not spent time in open conditions or undertaken Release on Temporary Licence (ROTL).
- Have a number of licence conditions to manage complex risks and assist with an initial period of stability.

5.45 Not all cases will need an AP, and proposals about suitable accommodation should be weighed up against all factors, including other options such as support networks, geographical location, etc.

5.46 A pilot for individuals serving an IPP sentence is currently being trialled across three APs in the North-West:

- 1) Southwood in Merseyside
- 2) Withington Road in Greater Manchester
- 3) Howarth House in Lancashire

5.47 The pilot aims to develop a pathway for IPP-sentenced individuals which places a greater emphasis on their specific needs in relation to their sentence and improve outcomes for those who attend an AP.

5.48 The pilot, **which has limited capacity**, is open to all IPP-sentenced individuals whose COM is within the North-West. This is regardless of whether they are in a prison in the North-West at the point of release. COMs can make an IPP referral to the pathway and indicate their preference for one of the three APs in the pilot. The AP manager will then assess and provide a response regarding suitability.

5.49 Some APs provide Psychologically Informed Planned Environments (PIPEs) which are "*specifically designed contained environments where staff have additional training to develop an increased psychological understanding of their work*".

5.50 To be eligible for a PIPE, the individual must meet the threshold for complexity, need and risk. Further information can be found in this video PIPE - Parole Board Presentation.

5.51 There are currently nine APs for women, which may require them to move far away from their family. It should be kept in mind that moving women serving an IPP sentence away from their family or children to attend an AP or PIPE can have an adverse effect on their mental health and hinder progress towards a reduction in risk.

5.52 It will be important that the COM has fully explored the option of release to an AP ahead of the MCA assessment or in time for the oral hearing. Referrals to the HMPPS central digital service need to be made in good time so that the apply and assess stages are completed. A match will be made once a direction for release is issued.

5.53 More detailed information on APs is available on the Approved Premises SharePoint page.

Psychology services in the community

- 5.54 A high proportion of IPP-sentenced individuals reintegrating into the community will have had HMPPS Psychology Services contact in custody, and it would be beneficial to promote continuity of support once in the community. The *HMPPS IPP Action Plan* highlights the need for community-based psychological support for IPPs and funding has been provided for HMPPS Psychology Service to deliver a small service in the community setting.
- 5.55 A small community pathway has been established with a limited amount of funding to primarily support staff working with IPPs in the community, particularly where there has been recent contact with psychology Services in custody. Services delivered directly to the IPP-sentenced individual in the community are considered "exceptional" given the resources required to deliver such work (e.g. assessments, interventions).
- 5.56 The Women's Estate Psychology Service (WEPS) within PSG are working with regions to ensure WEPS Psychologists can deliver services into all probation regions where women sentenced to an IPP are released, promote continuity in professional relationships, and make best use of women-centred expertise and services.

CHAPTER THREE – ON LICENCE AND RECALLS

6 Licence Variations

- 6.1 Information about adding, varying or removing licence conditions can be found in section 5.14 of the Duty Member Guidance.

7 Supervision on Licence

- 7.1 Supervision on licence is a matter for HMPPS.
- 7.2 It is not for panels to determine the frequency of supervision. Any proposed reporting arrangements should be detailed in the COM report. The frequency of supervision should have been discussed at an IPP Progression Panel prior to release.
- 7.3 On initial release, weekly contact is likely to be required which will then usually move to monthly reporting for the remaining duration of the first two continuous years in the community.
- 7.4 After two years in the community, the COM can consider reducing the frequency of supervision further where appropriate (which must be approved by the IPP Progression Panel and/or the Head of Service/PDU Head). Supervision approved by the Head of Service/PDU Head may not be reduced to fewer than once every two months.
- 7.5 **Panels should bear in mind that risk management plans will be subject to variation and adaptation. Panels need to be confident that dynamic risk will be professionally managed once in the community.**
- 7.6 The COM will periodically review the frequency of supervision in accordance with Risk of Serious Harm (RoSH) levels and agreed Risk Management Plans or Sentence Plans. Parole Board panels are not involved in these decisions.

8 Suspension of Supervision

- 8.1 The COM can consider requesting the suspension of the supervisory condition of an IPP licence after a minimum period of continuous, trouble-free resettlement in the community (other than in exceptional circumstances). It is for the Board to make the decision.
- 8.2 The qualifying periods from 1 February 2025⁴⁰ are as follows:

IPP

- Three years after initial release on licence (as part of the statutory IPP licence termination review)

⁴⁰ Prior to 31 January 2025 the qualifying period was five years and yearly thereafter.

- At the four-year point after initial release, if supervision is not suspended or the licence is not terminated by the Board at the end of the three-year qualifying period

DPP

- Two years after initial release on licence (as part of the statutory DPP licence termination review)
- At the three-year point after initial release, if supervision is not suspended or the licence is not terminated by the Board at the end of the two-year qualifying period

- 8.3 These qualifying timeframes mean that the Board should not receive any requests to suspend supervision until the individual is also eligible to have consideration for their licence to be terminated (unless there are exceptional circumstances). It will ordinarily form part of the licence termination referral.
- 8.4 COMs can further consider making an application to suspend supervision at their own discretion. In order to recommend suspending supervision the following should be evidenced:
- The individual 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
 - The individual has dealt with crises, if any, sensibly, with proper involvement of the supervising officer
 - The individual is likely to turn to the Probation Service for assistance on a voluntary basis if necessary and that the individual understands their risks and their RMP
 - Consider any impact on risk to self and should include those considerations as part of the risk management process
- 8.5 The COM must inform their lead Senior Probation Officer of their intention to consider suspension of supervision. If the COM intends to suspend supervision, they will inform the Senior Probation Officer and complete a *Suspension of Supervision* report for the IPP Progression Panel to consider.
- 8.6 The COM must discuss the suspension request with the individual on licence and disclose a copy of the report. The individual must have the opportunity to make representations and can do so, either by adding their own to the space provided on the representations form or by indicating that their representative will do so on their behalf (legal aid may be available for this work where the individual meets the criteria).
- 8.7 If supervision is not suspended or the licence not terminated by the Board at the end of the 3-year qualifying period (two-years for DPPs), the COM can consider making a further application to suspend supervision at their own discretion, but they must submit it to PPCS to determine if it merits referral to the Board.

- 8.8 Where there is Victim Contact Scheme (VCS) involvement, the COM must contact the Victim Liaison Officer (VLO) to ascertain the views of the victim.
- 8.9 PPCS is responsible for compiling and formally referring the case dossier to the Board.
- 8.10 **When considering these requests, the panel will need to take the same approach as if considering to terminate the licence, That is, make a determination about whether there will be an impact on protecting the public by removing supervision from the licence.** If the impact on public protection is more than minimal then it may not be appropriate to agree the request.
- 8.11 **Only the Board has the power to suspend supervision of an IPP licence and will make the final decision on whether supervision should be suspended.**
- 8.12 Those sentenced to an IPP are not impacted by Probation Reset, introduced in April 2024. Supervision will remain in place unless and until the Board direct that it be suspended.

9 Re-imposition of Supervision

- 9.1 Where an IPP licence remains in place and supervision has been suspended, a COM can apply to have supervision re-imposed where it is deemed necessary.
- 9.2 Where it is considered that an individual's risk can no longer be safely managed in the community without supervision, the COM will request via PPCS that the supervisory element is re-imposed on to the licence. This may be considered in cases where recall is not necessary for public protection, but one or more of the following is relevant:
- Behaviour has given cause for concern
 - There has been a conviction for a further offence
 - The individual's domestic circumstances have changed
 - Mental health has deteriorated to a point where there is no alternative but to reimpose active supervision
- 9.3 Where it is deemed appropriate to reimpose active supervision, an IPP Progression Panel will be convened by HMPPS to consider the evidence and make a recommendation to the responsible Regional Head of Service/PDU or equivalent. Information about this should be set out in the dossier.
- 9.4 In exceptional circumstances, where it is not possible to convene an IPP 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 Board.

- 9.5 HMPPS has published a Supervision of Indeterminate Sentences Policy Framework⁴¹ which provides advice to practitioners on frequency of supervision, suspension of supervision and reimposition of supervision.
- 9.6 Panels are not bound by the HMPPS policy and can suspend or re-impose supervision at any point as part of their assessment of risk. Panels should address the request within the terms of the referral but could consider other changes to the licence where there are compelling reasons to take a different view.
- 9.7 More information about considering suspension/re-imposition of supervision can be found in the Duty Member Activities Guidance.

10 Recalls

- 10.1 The codified public protection test applies to IPP cases, as for all cases. The core test is that re-release can only be directed if a panel is satisfied that it is no longer necessary for the protection of the public that the prisoner be confined [in prison]. A direction for re-release must not be made, unless the panel considers that there is no more than a minimal risk of the prisoner committing a further offence which would cause serious harm, should they be released. The codified public protection test also sets out some of the factors that must be considered when making this decision.**
- 10.2 After they have been recalled, most of those serving IPP sentences have to await an oral hearing to consider re-release. Due to the time required to reach an oral hearing, most spend several months in prison waiting for the hearing. Ultimately around 75% of IPP-sentenced individuals are re-released by the Board.⁴²
- 10.3 The COM is required to meet with the recalled individual prior to completing their report.**
- 10.4 Panels will need to consider the current risk, which may be an escalation of or variation in the risks associated with the index offence. They will need to consider whether a new risk has emerged, or whether the circumstances of the recall have made no material impact on the level of risk.
- 10.5 Panels are required to assess the totality of risk, not simply whether risk has changed since the last release.**
- 10.6 Where the panel is undertaking a first review following recall, they will first need to determine whether the recall was appropriate (as required by Calder)⁴³ and then consider whether re-release can be directed.**

⁴¹ [HMPPS Supervision of Indeterminate Sentences Policy Framework](#)

⁴² [HMIP thematic inspection of IPP recall decision \(2023\)](#)

⁴³ More information about applying Calder can be found in section four of the Types of Cases Guidance.

- 10.7 Applying *Calder* is not required for subsequent reviews of the same recall as these reviews should be approached in the same way as a periodic GPP review. Care should be taken when selecting options in the decision template to ensure the recall information is properly recorded.
- 10.8 **MCA panels may wish to consider adjourning and directing more information to consider whether re-release on the papers can be made.** The MCA panel may benefit from consulting or seeking advice from another member or duty member before making a decision. Alternatively, requesting a second member to make up a multi-member MCA panel may be helpful in concluding the review and avoid directing an oral hearing and the additional delay that brings.
- 10.9 It may be helpful to ascertain why the Secretary of State did not make an executive release under Risk Assessed Recall Review (RARR) powers as this may identify outstanding areas of risk that could be further explored on the papers.
- 10.10 Once a case is directed to oral hearing, the same principles could be applied by panel chairs, who, after receiving further information or updates, may be able to conclude the case on the papers under rule 21.
- 10.11 Panels will need to check the referral to ascertain if the recalled individual is also eligible to have consideration for termination of their licence as part of the review (i.e. it has been three years since their initial release). Where the case is eligible, panels will need to:
- Consider whether the codified public protection test is met
 - If the test is met, whether to re-release unconditionally or on licence
 - To reflect that, if re-released on licence, the individual will commence their journey towards automatic termination of the licence after two years; they therefore may have greater incentive or focus to comply and complete a successful release
 - To check if any previous recall has been disapplied (see paragraph 18.4 for information about this)
- 10.12 If the panel believes the case is eligible for consideration of termination, but the referral doesn't set this out, then they should query it with PPCS in the event it has been missed in error.
- 10.13 Please see chapter four on licence terminations for more information about this.

11 Release following Risk Assessed Recall Review (RARR)

- 11.1 PPCS, on behalf of the Secretary of State, has the power to release following a Risk Assessed Recall Review (RARR), IPP-sentenced individuals into the community subject to licensed supervision at any time during the recall period. RARR for IPP-sentenced individuals was introduced through the VAP Act.

- 11.2 RARR cannot be used where the individual is also serving a life sentence.
- 11.3 If an IPP-sentenced individual is re-released under RARR, the Secretary of State will set the licence at the point of re-release but any future licence variations that may be required will be considered by the Board.
- 11.4 The Parole Board will be responsible for any requests to suspend or re-impose supervision.
- 11.5 In cases where the recalled IPP-sentenced individual is also eligible for consideration of licence termination, where PPCS decide to release via RARR, they would do so on licence. A separate licence termination referral would be issued to the Board for consideration once the re-release has taken place.

CHAPTER FOUR – LICENCE TERMINATION

12 Licence Termination Legislation

12.1 An individual serving an IPP sentence has the right, under section 31A of the Crime (Sentences) Act 1997, as amended by the VAP Act, for consideration to be given to terminating their IPP licence once they reach the qualifying period.

12.2 From 1 February 2025⁴⁴ the qualifying periods are:

- Three-years since their original release for those subject to IPP licence
- Two-years since their original release for those subject to DPP licence

12.3 This qualifying period is regardless of whether the individual has subsequently been recalled to prison at any point during the time on licence.

12.4 The Secretary of State has a statutory duty to refer cases to the Board for consideration to terminate an IPP licence once the relevant qualifying period has passed.

12.5 **Any individual also serving a life sentence is not eligible to have their IPP licence terminated at any point.**

12.6 **The VAP Act requires that the starting point for panels is a presumption of termination.** This does not impact on applying the codified public protection test as risk to the public is still the primary concern.

12.7 **Panels must demonstrate in the decision that the presumption has been applied and, where applicable, should indicate why, despite the presumption, the application to direct termination has been declined on public protection grounds. Failure to demonstrate the application of the presumption in the decision could lead to the decision being overturned.**

13 Parole Board Rule 31

13.1 Only the Parole Board can terminate an IPP licence (except where it meets the automatic termination eligibility). Rule 31 of the Rules deals explicitly with termination of these licences. The full wording of rule 31 can be found at Annex A.

13.2 The panel should note the following points:

- Rules 31(2) and 31(3) were removed from the Rules⁴⁵

⁴⁴ Until 31 January 2025 the qualifying period was 10 years.

⁴⁵ Removed by Statutory Instrument 2022 No 717 The Parole Board (Amendment) Rules 2022.

- Rule 31(6), in respect of IPP sentenced individuals who are in the community, enables a panel to direct termination if it is satisfied that the licence is no longer necessary to protect the public from risk
- Rule 31(6A) requires the panel to consider whether an individual recalled on the IPP licence is suitable for unconditional release, that is to say that if they are released it is not necessary for the IPP licence to be in place to protect the public from serious harm⁴⁶
- Rule 31(7A) provides that all decisions about licence termination are provisional and eligible for reconsideration⁴⁷

14 The Referral and Powers of the Board

14.1 The Secretary of State is required by law to make the referral to the Board once the individual becomes eligible and they are on licence in the community.

14.2 However, an individual 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 Board considers the case for re-release, and if the panel makes a decision that the codified public protection test has been met, they will also consider whether that release would be conditional (on licence) or unconditional (no licence). The terms of the referral for such cases have been amended accordingly.

14.3 The panel may therefore be required to consider terminating a licence:

- Where the individual is on licence in the community
- As part of the review of recall (or subsequent review of recall) where the individual has been recalled to prison

14.4 In coming to a decision, the test that the panel must apply for termination of an IPP licence is:

The Parole Board will direct the termination of a licence if it is satisfied that it is no longer necessary for the protection of the public that the licence should remain in force.

14.5 As above, the starting point is a **presumption** of termination.

14.6 The panel has the following options, as set out in rule 31(5):

- a) Make a decision on the papers
- b) Direct that the reference should be decided by a panel at a hearing

14.7 The panel can also adjourn for additional information, or defer, if required:

- The decision maker under rule 31 is a panel appointed under rule 5(5)

⁴⁶ There will be no separate licence termination consideration for recalled cases in prison at the end of the qualifying period.

⁴⁷ All decisions were brought into scope under the Victims and Prisoners Act 2024

- Such a panel acts as a chair under rule 5(6)
- A panel chair can use the power in rule 6 to adjourn, defer or make any other direction considered necessary

14.8 The panel can, under rule 31(6):

- a) Terminate the individual's licence
- b) Dismiss the reference but amend the individual's licence in accordance with section 31(3) of the 1997 Act
- c) Dismiss the reference (the licence is neither terminated nor varied)

14.9 All decisions made by the Board about terminating the licence are eligible for reconsideration.

14.10 All decisions made by the Board about terminating the licence **are not** eligible for set aside.

15 The IPP Licence Termination Dossier

15.1 PPCS is responsible for commissioning and compiling reports from the Probation Service and formally referring an IPP licence termination dossier to the Board to consider. PPCS will notify the COM, three months prior to the individual becoming eligible for consideration of termination of their licence.

15.2 An IPP Progression Panel is required to discuss the individual's suitability for licence termination prior to the report being completed.

15.3 The COM must contact the IPP-sentenced individual to discuss the termination referral and ascertain their views. They must then complete a Termination of IPP/DPP Licence report and disclose it to the individual who must be given seven calendar days to submit representations. The individual can write their own representations or seek legal advice and assistance with writing their representations and appoint a lawyer or other person to represent them (legal aid may be available for this work where the individual meets the criteria).

15.4 Where the COM has been unable to contact the IPP-sentenced individual, they must evidence the attempts that have been made within their report.

15.5 If victims are signed up to the VCS, they have a right to be notified of the referral and are entitled to submit a Victim Personal Statement (VPS). The report from the COM should include information on whether there is current VCS involvement, whether the victim has views about terminating the licence, and whether they wish to submit a VPS. The VPS should confine itself to the impact that termination of the licence may have on the victim. If the victim chooses to make a VPS, it will be added to the dossier where disclosable. If the victim does not wish for it to be disclosed PPCS will follow the non-disclosure process.

- 15.6 The COM will provide a recommendation about the termination of an IPP licence within their report,⁴⁸ rather than a professional opinion. The report must contain a clear recommendation about whether termination of the individual's licence is supported, and a clear rationale for that decision giving thorough consideration also to any concerns raised by the victims and/or VLO. The report should be approved by the Region's IPP Progression Panel or, where this has not been possible, directly by the Regional Head of Service.
- 15.7 Where the COM is not recommending terminating the licence they should include information about suspending supervision (if still in place) and any other changes to the licence that are considered necessary and proportionate.
- 15.8 The Termination of IPP/DPP Licence report, together with any representations from the individual or their representative must be submitted to PPCS. **PPCS will compile the dossier and refer it to the Board and a copy will be given to the individual and/or their representative, if they have one.**
- 15.9 Unless there are exceptional circumstances, PPCS must not submit the dossier to the Board until the individual's representations have been received, or, if none have been received, until the seven-calendar day deadline for representations has expired. PPCS will submit to the Board any individual's representations received late unless a decision has already been made by the Board.
- 15.10 The IPP licence termination dossier should include the following:
- Dossier cover sheet with key information including index offence and date of sentence with tariff, initial release and any recall dates
 - Terms of the Referral
 - The "Termination of IPP/DPP Licence" report (the COM report).
 - Release licence
 - All release/re-release decisions
 - Any post-release licence variation requests and outcomes
- 15.11 It can be helpful to have sight of the Judges Sentencing Remarks (JSR) and these can be directed. However, the previous panel will have taken these into account when directing release and so the JSRs may be covered within a previous decision.
- 15.12 Where the individual is back in custody, the COM must set out information about terminating the licence (i.e., whether the individual should be released unconditionally) in the Part B and C reports (for initial recall cases) and PAROM report (for subsequent reviews of recall). Where termination is not being recommended the report should instead include information about suspending supervision (if still in place) and/or any other changes to

⁴⁸ The Rules do not preclude COMs from providing a recommendation about terminating a licence in the same way that they must only give a professional opinion about release or a move to open conditions.

the licence that are considered necessary and proportionate. There may be cases where these reports were submitted prior to being updated (i.e., before 1 February 2025) and will not include consideration of terminating the licence. In these instances, the COM will prepare and submit an interim addendum report.

15.13 Instructions for HMPPS practitioners on terminating IPP licences are set out in the HMPPS Supervision of Indeterminate Sentences Policy Framework.⁴⁹

16 Considering the Referral

16.1 Once the referral has been made, the Secretariat will check that the dossier contains all the required information and submit it to a panel for consideration.⁵⁰

16.2 Panels should note the following:

- Whether the individual meets the qualifying period as set out in [paragraph 12.2](#)
- If the individual is in the community, there should only ever be one referral to consider the termination of licence at the eligibility point. Where the licence is not terminated, it will progress to automatic termination after the qualifying period and not come back to the Board (unless the individual is recalled during the qualifying period)
- If the individual is back in custody, there should not be a standalone referral to consider the termination of licence. The matter can only be determined alongside the review of recall or subsequent review of recall

16.3 The referral should be dealt with as swiftly as possible, providing all required information is submitted within the dossier. The Board will aim to consider referrals on the papers within 14 days of receipt of the referral (where the individual is in the community).

IPP-sentenced individuals in the community

16.4 In the majority of cases, it is expected that the individual will be in the community on licence when the referral is made.

16.5 The referral will set out the following:

*This case is hereby referred to the Parole Board by the Secretary of State under **section 31A** of the Crime (Sentences) Act 1997 to consider whether or not it would be appropriate to terminate the licence.*

Should the Board not agree to termination of the licence then they are also asked under sections 31 and 32 of the Crime (Sentences) Act 1997 to consider whether or not it would be appropriate to suspend the supervisory

⁴⁹ [HMPPS Supervision of Indeterminate Sentences Policy Framework](#)

⁵⁰ *It is expected that most of these will be considered by panels from the IPP Taskforce, however, they may also be determined by Duty Members.*

elements of the licence or add/amend/vary any additional conditions contained within the licence.

16.6 Points to consider:

The Past

- The scale of progress across the three-year period (two years if the individual was sentenced when under 18) since initial release, including work that has been carried out in the community to address the individual's risk factors and to meet sentence planning objectives
- The COM report should summarise the key events during the licence period since initial release, highlighting any areas of concern or progress
- Content of previous progress reports submitted to PPCS
- How the individual has engaged with their sentence plan: have they completed all their objectives
- Whether they have been recalled at any time over the two or three-year period and if details of any recall(s) are provided
- Were any previous recalls considered to be appropriate under *Calder*
- If previously recalled, was the individual re-released under RARR
- If previously recalled and re-released was the recall disapplied by the Secretary of State in terms of its effect on the two-year qualifying period of automatic licence termination i.e. the two-year period was not interrupted by the recall (see paragraph 18.4 for information about this)

The Present

- The individual's current circumstances including stability of lifestyle, current accommodation and history, current employment and history, and current relationships and history
- Whether applications to vary the licence conditions have been made at any point since release, and if so, the conditions under which any such variations were requested and granted (or refused)
- What is or has been the frequency and nature of contact with the COM, and how this has changed over the licence period
- How well the individual has engaged with supervision
- Evidence that checks with other relevant agencies listed in the COM report have been carried out. If the individual has come to the attention of one or more of these agencies, the referral must still be made to the Board, but full details must be provided
- The current or last known risk of serious harm category. All four categories of risk of serious harm (public, children, known adult, staff) should be considered and noted on the application if there is more than one category relevant to the individual's risk
- The current or last known MAPPA level⁵¹
- Any additional or bespoke licence conditions still in place

The Future

⁵¹ Multi Agency Public Protection Arrangements.

- What agencies and support networks will the individual have in the community and what, if any, can continue post licence
- How the individual has engaged with external agencies
- The view from the IPP Progression Panel
- The recommendation of the COM and whether there is sufficient information to support their view
- Any continued risk to the victim and any representations or concerns submitted by the victim, including where there is a VPS
- If the COM is not recommending terminating the licence what necessary and proportionate licence conditions are needed to manage risk including whether suspension of supervision is being recommended

16.7 It is expected that the majority of decisions about licence terminations will be concluded on the papers.

16.8 The panel may wish to adjourn for more information. Directions should be issued on a Duty Member Form. Only short adjournments should be considered for these cases.

16.9 If there is sufficient information to make a decision on the papers, the panel can, under rule 31(6):

- a) Terminate the individual's licence
- b) Dismiss the reference but amend the individual's licence in accordance with section 31(3) of the 1997 Act
- c) Dismiss the reference (the licence is neither terminated nor varied)

16.10 The panel will need to consider the matter of the licence termination first. It is only where the panel decide not to terminate the licence that consideration should move onto whether the licence should be varied, including any matter relating to the suspension of supervision.

16.11 The referral may set out other conditions to amend, remove or add. The panel can, of its own volition, consider whether the conditions on the existing licence are still necessary and proportionate to manage risk. A panel can vary a licence as needed i.e., remove, amend, or add conditions even where the referral does not make any such request. These can be undertaken under powers to make licence variations.

16.12 The key consideration is whether changes are necessary and proportionate to protect the public. It must be clear within the body of the panel's decision the reasons for amending the licence.

16.13 This can be a good opportunity to remove expired conditions, where relevant information is provided. For example:

- Time limited electronic monitoring or polygraph examination conditions
- Accommodation conditions where the individual has moved onto different accommodation and the original condition is no longer valid (e.g. Approved Premises requirements or curfews)

- There may be exclusion zones that are no longer needed where the victim has moved (but the COM must confirm that the VLO has made contact with the victim about this)
- 16.14 Suspension of supervision should not be confused with the frequency of supervision which is at the discretion of the Probation Service and the IPP Progression Panel. **The Board should not receive requests relating to frequency of supervision.**
- 16.15 The panel should be clear on any recommendation from the COM. There are instances where terminology has been confused. To clarify:
- The supervision element of a licence can be **suspended** but not terminated
 - The licence in its entirety can be **terminated** but not suspended
- 16.16 Where an IPP-sentenced individual is released, then detained under the Mental Health Act 1983 and not recalled, they will remain eligible to be referred to the Board for consideration of termination of licence when they reach the eligibility point.
- 16.17 Where an IPP-sentenced individual 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 Board for consideration of licence termination in cases where their release has been directed by the 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.

Directing an oral hearing when the individual is on licence

- 16.18 **Whilst rule 31(5) does permit a panel to direct an oral hearing, this should only be required in exceptional circumstances.** Exceptional circumstances might include critical disputes of fact, vulnerabilities, or mental health or cognitive functioning which is particularly complex and relevant to risk.
- 16.19 When deciding if an oral hearing is required panels are advised to consider that paragraph 2(i) of the judgment in *Osborn*,⁵² giving the basis of the UK Supreme Court's decision, says that fairness may require a hearing when a panel is "...*determining an application for release, or for a transfer to open conditions...*". Licence termination is neither of these. As the referral is confined to the question of licence termination *Osborn* principles do not apply.
- 16.20 If an oral hearing is considered necessary to properly consider the matter, then directions will need to be issued on a Duty Member Form. Directions for an oral hearing should be set (any additional documents, witnesses etc) and the Secretary of State should be directed to secure a suitable location for the oral hearing to take place, where the individual is in the community.

⁵² [Osborn & others v Parole Board \[2013\] UKSC 61](#)

16.21 Logistics should be considered in terms of panel composition and tier. Victim involvement should also be taken into consideration as with any other oral hearing.

IPP-sentenced individual back in custody

16.22 Rule 31(6A) requires the Board to determine if the individual can be released unconditionally if currently back in custody, that is to say they can be released without an IPP licence in place.

16.23 An individual may be returned to custody for:

- Breaching their IPP licence
- Breaching a licence linked to a different sentence
- Serving a new sentence for other offending

16.24 An individual who is in prison (having been recalled) at the time they meet the qualifying period will not be eligible for immediate consideration of licence termination.

16.25 Instead, when the Board consider the case for re-release, and the panel makes a decision that the codified public protection test has been met, they will also go on to consider whether that release would be conditional (on licence) or unconditional (no licence).

16.26 The referral will set out the following:

This case is referred to the Parole Board in accordance with section 32(4) of the Crime (Sentences) Act 1997 in order for the Parole Board to consider whether to direct the prisoner's release under section 32(5) of the 1997 Act.

AND

*If the prisoner is being considered for release from an IPP/DPP sentence after being recalled under **section 32**, are not also serving a life sentence, and initial release from that IPP/DPP sentence was more than 3 years ago (or 2 years ago for those serving a DPP sentence), the Board is also asked to consider whether or not it would be appropriate to release them unconditionally under **section 31A** of the Crime (Sentences) Act 1997.*

16.27 Where an individual is in custody there is no licence. **Once someone has been recalled, their licence has been revoked, and there is no licence to terminate.** For these cases the panel is therefore deciding if the individual can be re-released unconditionally (this option is now provided for within the Rules). If the panel re-release unconditionally it has the same effect in practical terms as terminating the licence: either way there will be no licence upon re-release.

16.28 In practice, panels will need to make one of the following decisions:

Re-release directed

- 16.29 If the panel decides that the recalled individual is to be re-released (i.e. that the codified public protection test is met), they will need to go on to determine whether this should be unconditional or on a licence. The panel will need to make one of the following decisions:
- a) Re-release unconditionally – this means the individual will be re-released without a licence and the sentence will end once the decision becomes final. There will be no licence conditions (including any in place to protect the victim) and the individual cannot be recalled on the IPP sentence.
 - b) Re-release on licence – this means the individual will be re-released on licence with a set of conditions; they may be recalled on the IPP sentence if any of these conditions are breached.

16.30 **Panels need to reflect that the starting point is a presumption of termination, i.e. to release unconditionally. This does not override the requirement for the codified public protection test to be met.** Whilst the presumption of termination applies in all eligible cases, it is more likely to be justified where the individual is in the community. When considering a re-release from prison, whilst panels will need to be clear that unconditional release has been considered, it is more likely that the panel decides not to re-release unconditionally but on licence. Full justification on public protection grounds must then be provided in their written decision.

16.31 **The critical point for the panel is to be satisfied that there are no residual concerns about public safety that would require licence conditions relevant to the IPP sentence to be in place to manage risk upon release, before directing that the individual is suitable for unconditional re-release. Unconditional re-release is therefore expected to be very rare.**

16.32 Where the panel decides to re-release on licence, the individual will progress to automatic termination. There is no annual review by the Board and the licence will automatically terminate after a further two years in the community unless the licence is revoked during that two-year period.

No release directed

16.33 If the panel decides that the recalled individual is not to be re-released into the community, there is no requirement to go on to determine if the licence should be terminated as there is no licence (it has been revoked). Once the decision becomes final, the individual will have a further review at a time set by the Secretary of State where unconditional re-release will again be considered.⁵³

⁵³ There are no longer referrals for annual review of IPP licence termination.

- 16.34 The above applies equally if the panel is recommending that the individual is suitable for a transfer to open conditions, as there is still no licence to terminate (as it remains revoked).
- 16.35 Where an individual is released, recalled and then detained under the Mental Health Act 1983, the recall review will be suspended until they are notionally conditionally discharged from hospital by a Mental Health Tribunal or remitted back to prison custody. The Board will not consider the termination of licence until the recall review takes place at which point they will consider whether re-release could be unconditional or on licence.

17 Writing the Decision

Writing the decision where the individual is in the community

17.1 A consistent approach to IPP licence termination decisions that reflects the Decision-Making Framework (DMF) is required. Bespoke templates have been produced to either:

- Decide the case on the papers, use: IPP Licence Decision – Paper Review template
- Decide the case at oral hearing, use: IPP Licence Decision – Oral Hearing Review template

17.2 The front sheet of the templates is very similar in functionality to other decision templates. The key differences are:

Decision – There are three decision options for this type of referral:

- 1) Licence terminated
- 2) Licence not terminated
- 3) Licence not terminated but varied⁵⁴

17.3 The panel is required to make the assessment in line with the DMF, providing an analysis of the individual's past, present and future. The rationale for the decision must be clearly explained in writing to enable others to understand all the key elements that influenced the decision.
Panels are reminded that the starting point must be a presumption of termination.

17.4 **Panels must demonstrate in the decision that the presumption has been applied and, where applicable, should indicate why, despite the presumption, the application to direct termination has been declined.**

17.5 The decision must focus on the identification and assessment of risk and the weight given to relevant evidence.

⁵⁴ This option should be used where a licence condition is being varied, added or removed including the suspension or re-imposition of supervision.

- 17.6 Where the panel takes a different view from the assessments given in key reports or by witnesses (if exceptionally considered at an oral hearing), the decision should clearly explain why the panel has come to a different conclusion.
- 17.7 The decision is eligible for reconsideration and therefore should be able to withstand challenge and provide enough information for any reconsideration panel to have a clear understanding of how the decision was reached.
- 17.8 The panel should take a pragmatic approach to writing the decision with the focus being on the current circumstances and risk to the public, supported by a sufficient explanation as to why the decision has been reached. The following points may assist in drafting the decision:
- There is no need to go into any great detail about the index offence⁵⁵
 - There is no need to go into any great detail about time in custody, unless the individual is now back in prison, but this will then be incorporated into the risk assessment for the recall
- 17.9 The following may assist when drafting each section of the decision:

Front Page – complete as fully as possible in the usual way.

Past – Include very brief details about the circumstances of the index offence, the victim and the terms of the referral. A statement confirming previous recalls, if any, and current position will be helpful here. The individual's full history and custodial behaviour prior to the decision for initial release is only needed if it is relevant to the current analysis and assessment of risk.

Present – the focus of this section should be on the time on licence; any issues that have been raised; continuing areas of risk (if any); any positive factors and progress of note; Probation's overall view of progress in the community; set out the recommendations from the IPP Progression Panel and Probation; any relevant points from representations and the victim's VPS.

Future – this section should set out what is in place in the future to manage risk, including support and other monitoring that would be in place if the licence is terminated; and the panel's evaluation of risk and the decision. The panel should set out reasons about terminating the licence first. Where the licence is not terminated, the panel should go on to consider whether the licence should be varied in any way, including considering suspension of supervision, where relevant. This may also include tidying up the licence by removing expired conditions or those no longer considered necessary and proportionate to manage risk.

⁵⁵ This will have already been carefully and fully analysed in the previous decision to release or re-release.

17.10 The decision should be succinct but clearly articulate that the starting point was of a presumption of termination and whether the codified public protection test is met and why.

17.11 A victim can request a summary of the Board's decision about the termination of an IPP licence. Requests are made in the same way as for a summary of a full parole decision.

Writing the decision where the individual is back in custody

17.12 Where the individual is back in custody, the decision should be made using either the Paper Decision template or Oral Hearing Decision template. The IPP Licence Decision templates **should not** be used. This is because the panel will also be considering the review of recall and will need the functionality of the main templates.

17.13 The panel should approach writing the decision selecting "**IPP recall (plus s31A)**" from the Type of Case field on the decision template and follow the guidance as set out in the Decision Writing Guidance.

17.14 The Sec of State referral field will either be "release" or "release and open". None of the other options are relevant.

17.15 The following options are available from the decision field to reflect the panel's decision:

- If the panel is issuing a no release decision, then the usual selection should be made, as appropriate:
 - "No direction for release"
 - "No direction for release and no recommendation for open conditions"
 - "No direction for release but recommendation for open conditions"
- If the panel is issuing a re-release decision on licence, select "Direction for release on licence"
- If the panel is issuing a re-release decision unconditionally, select "Direction for unconditional release"

17.16 It will also be helpful to include in the "Any other information" section of the decision a statement along the following lines:⁵⁶

The terms of the referral required the panel to determine re-release as required under section 32(4) of the Crime (Sentences) Act 1997 and consideration under section 31A of the Crime (Sentences) Act 1997 as to, whether or not, it would be appropriate to re-release the prisoner unconditionally.

Then either:

⁵⁶ Templates will be further reviewed in early 2025 to ensure they reflect the correct wording.

In directing the re-release of [insert name of prisoner] the panel considered whether re-release should be unconditional or on licence as required by section 31A of the Crime (Sentences) Act 1997. The panel decided that [insert name of prisoner] should/should not be re-released unconditionally...

OR

The panel has not directed the release of [insert name of prisoner] and therefore consideration of the termination of the licence under section 31A of the Crime (Sentences) Act 1997 did not take place. This will be considered again when the Parole Board undertakes the next review.

- 17.17 Panels should be careful to note that further review of recall cases are processed by PPCS as GPP reviews. The statement in any other information should align with that of the referral:

The terms of the referral required the panel to determine release as required under section 28(6)(a) of the Crime (Sentences) Act 1997 and consideration under section 31A of the Crime (Sentences) Act 1997 as to, whether or not, it would be appropriate to release the prisoner unconditionally.

And then add the appropriate statement as set out in paragraph 17.15 above.

18 Automatic Licence Termination

18.1 The Board is not involved in automatic licence terminations.

18.2 This section applies to all IPP-sentenced individuals who have met the qualifying period for licence termination consideration but have remained on licence because it was not terminated by the Board.

18.3 All IPP-sentenced individuals will have their licence automatically terminated without reference to the Board where:

- A period of three years has elapsed since their original release on IPP licence, or a period of two years has elapsed since their original release on DPP licence

AND

- They have spent a further two continuous years in the community without being recalled to prison

18.4 Where an individual has been recalled during the two-year continuous period, the Secretary of State has the power to disapply the effect the recall has on the individual's progress towards automatic termination of the licence (where it is in the interests of justice). Where the power is used, the licence will be treated as having remained in force for the period of the

recall, and the two-year period for automatic termination will not be interrupted by the recall. The individual will still be on track for automatic licence termination at the end of that two-year period.

18.5 It should be noted that automatic termination of licence is not eligible under the reconsideration or set aside provisions.

CHAPTER FIVE - ROUTES OF CHALLENGE

19 Reconsideration

- 19.1 Decisions about release and the termination of the licence for IPP-sentenced individuals are both subject to the Reconsideration Mechanism provision where the Board makes the decision.
- 19.2 Decisions about IPP cases feature significantly in reconsideration applications. IPP-sentenced individuals may be motivated to identify any part of the decision that may lead to a successful reconsideration application providing a further opportunity to have their case looked at again.
- 19.3 In a study⁵⁷ reviewing decisions made by reconsideration panels, IPPs featured prominently: 46.7% (313/670) were IPPs and more than half of these (182/313: 58.1%) had previously been released but then recalled.
- 19.4 The high uptake of the reconsideration scheme from IPPs was felt to reflect the strong sense of injustice that many of these individuals feel regarding their sentences.
- 19.5 Analysis of the reconsideration applications submitted between 2019 and 2022 (published) identified that 52 prisoner applications and two brought by the Secretary of State were granted. Of the 52 applications from IPP prisoners which were granted:
- 32 (62%) of the decisions were based on “procedural unfairness”
 - 15 (29%) on “irrationality”
 - 5 (9%) on both “procedural unfairness” and “irrationality”
- 19.6 Of the two Secretary of State applications, one was granted on the basis of “procedural unfairness” and the other on the basis of “irrationality”.
- 19.7 **When writing decisions,⁵⁸ panels should note that almost half of the successful reconsideration applications fall into one of the following categories:**
- procedural issues around oral hearings and adjournments
 - issues with allegations⁵⁹
 - panels not properly explaining in their decisions where they take a different view to the professional opinions of witnesses

20 Set Aside

⁵⁷ Professor Stephen Shute: *Challenging Parole Decisions in England and Wales: Reconsideration and Set Aside*

⁵⁸ Panels should refer to the Member Guidance on Reconsideration and the Irrationality Reconsideration Checklist

⁵⁹ Member Guidance on Allegations

- 20.1 Decisions to release or not release are subject to the Set Aside provision. However, decisions about the termination of licences are not eligible to be set aside.
- 20.2 Since the introduction of set aside, there have been 11 cases up until the end of 2023 which involved IPP prisoners.
- 20.3 For five of these eleven cases, the application for set aside was initiated either by the Secretary of State (four cases) or by the Board's Chair (one case). All five applications were granted. Only one of the five involved a recalled IPP-sentenced individual.
- 20.4 Six cases were made by the prisoner, four of the six were recalled IPPs. Two of the six had also previously brought reconsideration applications, one of which was granted and one of which was refused.
- 20.5 All set aside applications made by prisoners have, to date, been refused.

CHAPTER SIX – HMPPS ACTIVITIES

21 HMPPS IPP Action Plan

- 21.1 This section provides information about the work HMPPS is undertaking to support IPP-sentenced individuals.
- 21.2 The fact that abolition of the IPP sentence was not applied retrospectively means that HMPPS is still working to try to give each individual serving an IPP sentence an appropriate pathway for progression and subsequently the best prospect of release.
- 21.3 In April 2023, an updated HMPPS IPP Action Plan was published which focused on developing a set of work streams with clear deadlines and, importantly, a robust governance structure that holds officials to account for delivery. The IPP Action Plan was refreshed in November 2024.
- 21.4 **Whilst the IPP Action Plan is for HMPPS, it is helpful for panels to be aware of this work when reviewing an individual serving an IPP sentence and it may assist with making directions.**
- 21.5 Although a focus of the IPP Action Plan is accountability, it is centrally led. Therefore, individual POMs, COMs or other HMPPS witnesses should not be expected to provide reasons where part of the IPP Action Plan has not been delivered.
- 21.6 **Panels will want to know which specific actions have been considered and undertaken in the case before them.** The panel may wish to ask itself whether relevant and appropriate actions have been undertaken and successfully delivered, and if there has been any impact on progress and reduction in risk.

HMPPS IPP Action Plan high-level principles

- 21.7 HMPPS identified four high-level principles:

Principle 1: HMPPS monitors and publishes data on how those serving the IPP sentence are progressing through their sentences, whether in custody or the community.

Principle 2: HMPPS ensures that those serving an IPP sentence have a sentence plan specifying the required interventions to reduce risk and has access to them.

Principle 3: Community provision for and management of those on an IPP licence gives people the best prospect of a future safe and sustainable life outside of the justice system.

Principle 4: HMPPS communicates effectively with all stakeholders, including engaging on current plans, activity, and outcomes.

21.8 These high-level principles were originally underpinned by a set of six workstreams.

21.9 In delivering against the IPP Action Plan, transparency remained a key priority. As part of this an annual report is now published detailing progress and setting out challenges. The first report was published in November 2024 and within that report the refreshed IPP Action Plan was also published. The aim of the refreshed IPP Action Plan is to focus the actions and activity on driving front-line practice improvement, with active tracking through a set of regional IPP Delivery Plans.

21.10 As part of the refreshed IPP Action Plan the original six workstreams were redefined into the following nine areas:

- **Operations:** mandating of IPP Delivery Plans for all Areas to drive front-line delivery, ensuring all those serving IPP sentences have an up to date and deliverable sentence plan
- **Data & Performance:** producing internal management information to track delivery of the IPP delivery plans and, separately, to publish information externally to support increased transparency
- **Staff Development & Awareness:** equipping front-line staff with the knowledge and tools to effectively manage cases and support those serving IPP sentences to achieve their sentence planning objective.
- **Interventions & Services:** having in place the interventions and services that those serving IPP sentences need in order to achieve their sentence planning objectives
- **Psychology Services:** understanding and responding to the complex needs of those serving IPP sentences by improving practice to support effective progression and increasing the Psychology Services provision in the community
- **Health:** delivering the Offender Personality Disorder Pathway jointly with NHS England, working with those IPPs screened into the Pathway. Working with our NHS England and Welsh Government partners to enable and support access to Mental Health provision where appropriate
- **Safety:** delivering robust oversight of safety practice to effectively support those serving IPP sentences and reduce the likelihood of self-harm, self-inflicted death and violence
- **Policy:** ensuring that the appropriate policies and processes are in place to enable staff to deliver effective front-line management of cases, so those serving IPP sentences can experience a smooth transition through the system
- **Parole Improvement:** working with the Parole Board to ensure an effective parole process for all those serving an IPP sentence. Ensuring practitioners are equipped to prepare effectively for reviews and engage with prisoners at appropriate stages of the parole process

21.11 The HMPPS IPP Annual Report for 2023/24 and the refreshed IPP Action Plan can be found here: [HMPPS IPP Action Plan](#)

Key worker scheme

21.12 Within the refreshed IPP Action Plan there are commitments to ensure:

- Key workers play an important role in IPP sentence progression, collaborating with POMs, who will update them on any sentence plan work in case there is additional support available from within their remit
- Key workers should act as the first point of contact and should prioritise IPP prisoners. They should aim to meet for at least 45 minutes each week with the prisoner
- Key workers should have a priority of enabling prisoners to build evidence to demonstrate suitability for progression

21.13 The POM could be directed to provide information from the key worker in their addendum report if input from the key worker, or other wing staff who see the prisoner on a regular basis, is not evident to the panel.

21.14 Key workers should not ordinarily be directed to attend parole hearings as any helpful information they have should come through the POM or COM. However, the key worker may have a detailed understanding of the day-to-day behaviour of the IPP prisoner which may provide nuance, if other reports or evidence are unclear. **Exceptionally**, the key worker may be directed to attend the oral hearing as part of support or adjustments that may help the prisoner to feel more at ease in giving their evidence.

21.15 If directed to attend an oral hearing, panels are reminded that key workers are **not** risk assessors and should not be asked for a professional opinion or any other risk related aspect. A key worker may be able to provide input into factual evidence (rather than opinion) about events in the custodial setting. It should also be noted that resourcing and time pressures may mean that the 45 minutes per week is not always achieved, and the key worker may have little to offer. **Directing a key worker to attend an oral hearing should be avoided wherever possible.**

HMPPS Psychology Services

21.16 HMPPS Psychology Services has introduced the following initiatives:

- Established a Psychology IPP Single Point of Contact in every probation region (referred to as the IPP SPOC) to develop a network of psychology leads and ensure that processes are in place and working effectively
- Ensure an ongoing focus to IPP-sentenced individuals is sustained across Psychology Services, providing assessments and bespoke initiatives where appropriate and where required. Psychology Services will support POMS and COMs via consultancy work across custody and the community
- Focus on articulating the barriers to progression for IPP-sentenced individuals to staff across the estate and encourage their risk assessments, formulations and ways of working to consider such barriers accordingly

21.17 These approaches may vary across establishments, particularly in the private estate.

21.18 Where there is active Psychology Services involvement panels should be provided with information about how they are working with the POM and COM to formulate risk management, which could avoid having to direct a new full psychology risk assessment.

21.19 What these additional initiatives will look like will vary from case to case. **Panels may wish to direct information about specific initiatives relevant to the case before them.**

21.20 Psychology IPP SPOCs are not directly involved in cases and should not be directed to attend an oral hearing or submit a report for an IPP case.

Rehabilitative Services

21.21 HMPPS will aim to ensure that relevant support and rehabilitative services which have been identified in the sentence plan are delivered in a timely way. They aim to ensure that any post-intervention work can be delivered and the impact on risk can be assessed in time for the referral to the Board. Participating in an identified intervention may mean moving to a different establishment, and it is understood that this will be expedited by HMPPS.

Progression Opportunities

21.22 There are two main progression opportunities as set out below.

Progressive Transfers

21.23 The 2022 JSC report highlighted some of the key concerns regarding the impact of transfers. Moving prisoners through the prison estate efficiently can be vital for their access to rehabilitation and progression opportunities. Such prisoners may need to move to access interventions; evidence a reduction in risk following re-categorisation; and to plan for eventual release, when eligible. Some specialist interventions, such as those which are part of the Offender Personality Disorder provision, are available only in certain prisons in the estate and there are often only a small number of options for where a prisoner can transfer to.

21.24 It is important that prisoners progress down through the different levels of security categorisation. Accessing lower security conditions (where risk is assessed as manageable by the prison) demonstrates that a prisoner can manage their own risks in less secure environments. It also helps them to slowly become accustomed to conditions closer to those they will experience in the community after release, especially if they initially reside in an Approved Premise (AP). The more time that prisoners spend getting accustomed to lower security conditions, the better prepared for re-settlement they will be, and this can translate to their risk being more manageable in the community, should they be released.

21.25 Due to ongoing prison estate capacity issues panels may wish to be clear on the category status of the prisoner rather than the category of the prison they are in. It is not unusual for a prisoner to have category C status

but remain in a category B prison for various reasons. It is the achievement of the prisoner in progressing through categorisation classification that is evidence of change. The ability of the prison estate to locate them in a same category prison is ideal but is out of a prisoner's control.

- 21.26 There may also be cases where less secure settings are unhelpful, especially for prisoners with any additional needs. Some prisoners may have a better chance at integrating back into the community with being released directly from closed conditions as there is little to be gained from time (or further time) in open conditions. Each case must be considered on its individual circumstances.
- 21.27 For initial review cases, it is intended that by the time it is referred to the Board the prisoner will have been in the most appropriate location for a sufficient amount of time to support their sentence progression.
- 21.28 Panels may sometimes come across situations where a prisoner needs to transfer to allow sentence progression, but the prison will not move them as they are on "parole hold".⁶⁰ Historically, this may have created challenges but now that the majority of hearings are convened remotely, the location of the prisoner is less of an issue for the purposes of parole proceedings. However, ensuring both the sending and receiving prison are aware of their respective responsibilities will be important.
- 21.29 If the hearing is to be held remotely, panels may wish to include in the body of their Panel Chair Directions (PCDs) that a transfer will not unduly impact on the parole review. This may facilitate a swifter move instead of waiting until the review is concluded. Panels may also wish to direct the newly allocated POM from the receiving establishment to attend as a witness, as well as the POM from the transferring establishment.**
- 21.30 HMPPS has published a Policy Framework⁶¹ setting out requirements and guidance for all prison and probation staff involved in the progressive transfers of indeterminate sentence prisoners.

Progression Regimes

- 21.31 A progression regime is an alternative environment for eligible prisoners who are assessed by those managing them to be in need of additional support to progress through their sentence. They were introduced to provide a route for those prisoners who were excluded from a move to open conditions however the scope has since been expanded to include all IPP-sentenced prisoners who meet the eligibility and suitability criteria.
- 21.32 Progression regimes are in operation at four adult male category C prisons: HMP Warren Hill, HMP Buckley Hall, HMP Erlestoke, and HMP Humber. They

⁶⁰ [HMPPS GPP Policy Framework](#) sets out that prisoners must not be transferred to another establishment after their parole hearing date has been listed unless the receiving establishment can accommodate arrangements for the prisoner to attend the hearing.

⁶¹ [HMPPS Progressive Transfers for Indeterminate Sentence Prisoners Policy Framework](#)

run a three-stage approach through which prisoners can progress and gain greater levels of trust and independence as they do.

- 21.33 Participation is voluntary, and prisoners do not have to spend a specific amount of time on a progression regime, nor do they need to progress through all the stages to achieve progression to an open prison or release by a panel. The important aspect is the environment and its impact on rehabilitation.
- 21.34 **Panels should not be asked to make a decision or provide advice about a move to a progression regime prison. This is a decision for HMPPS.**
- 21.35 However, where panels are faced with a case where the Secretary of State has determined that the prisoner is excluded from consideration for suitability for open conditions, or that the prisoner is having difficulty progressing through their sentence via the usual routes, they may wish to establish if some time in a progression regime has been considered.
- 21.36 Panels may wish to reflect in their decision that a period in such a regime may be of benefit in supporting the prisoner's eventual release. However, it is important to establish whether the prisoner is suitable and eligible before making any such statements as this may build false hope which can lead to potential disengagement by the prisoner. **Panels are reminded that they cannot mandate such moves.**
- 21.37 The progression regime will re-introduce the responsibilities, tasks and routines associated with daily life in the community, to test the prisoner's readiness to respond appropriately to the trust placed in them, and to pursue activities and relationships which support rehabilitation. This may, in turn, support release from a closed prison if a move to open is not possible.
- 21.38 Where the prisoner is already located within a progression regime, a panel has the option to direct release, recommend open conditions (if not excluded and if requested within the terms of the referral), or conclude with a no release decision. Panels will not be asked whether the prisoner should remain in the progression regime.
- 21.39 Progression regimes are not an accredited programme or intervention, and so information regarding an individual's time on a progression regime will be referenced in existing HMPPS parole reports, such as a PAROM, and no separate report is completed.
- 21.40 There are no progression regime prisons for women. The intention with those in the women's estate identified as suitable for a progression *approach*, is that they remain in the prison that best meets their needs in the context of the women's estate, including being as close to home as possible.
- 21.41 The manner in which the features and opportunities of a progression approach will be provided will vary based upon the specifics of each case.

All women's prisons became resettlement prisons under the wider Transforming Rehabilitation reforms, and each readily provides a range of resettlement activities which those participating in a progression approach can access.

21.42 HMPPS has issued a *Progression Regime Policy Framework*⁶² setting out the duties, rules, and general guidance on what constitutes a progression regime, and who might benefit from participating in one.

Pathways and Environments

21.43 **IPP prisoners can have very complex needs, and it is likely that many would benefit from being screened for a range of interventions.**

21.44 Possible interventions include:

- Offender Personality Disorder (OPD) Pathway
- Democratic Therapeutic Communities (DTCs)
- Pathways Enhanced Resettlement Services (PERS)
- Psychologically Informed Planned Environments (PIPEs)
- Intensive Intervention and Risk Management Service (IIRMS)
- Offending Behaviour Programmes (OBP)

21.45 More information on all of the above can be found in the Interventions Guidance.

⁶² [HMPPS Progression Regime Policy Framework](#)

CHAPTER SEVEN – OTHER KEY CONSIDERATIONS

22 Victims

- 22.1 As with all other cases it is vital that the victim is taken into account in the appropriate way when reviewing an IPP-sentenced individual.
- 22.2 Many victims still find the IPP sentence confusing and are unclear on how the individual serves the sentence. This is despite the best attempts of the VLO to explain the sentence to victims, which has been made harder by some of the recent changes to licence periods. As such, panels will wish to seek reassurances that victims have been afforded all their entitlements, as set out in the Code of Practice for Victims of Crime.⁶³ It is the responsibility of the VLO and COM to work together to ensure victims can have their say.
- 22.3 Victims of individuals serving an IPP may have experienced numerous parole reviews (some going back as far as 2008) and the same repetition of release and recall. There may be previous VPSs in existence and panels will need to check whether the victim intends to submit a new one or rely on an existing version.
- 22.4 With the public focus on IPPs, victims may have feelings of being forgotten or that the harm done has been overshadowed by the impact of the sentence on the individual.
- 22.5 **Being mindful of the dignity of the victim is important when reading the VPS and considering requested licence conditions.** Summary decisions will need to sensitively articulate how the decision was made and finely balance the impact on both the victim and IPP-sentenced individual.
- 22.6 Victims may be confused about the legislation in relation to the termination of the IPP licence and the views of the victim must be carefully considered before directing that the licence is terminated or that unconditional re-release is directed. This is required by the Code and panels should only apply the test after taking into account the views of the victim.
- 22.7 More information about victims can be found in the Guidance on Victims.

23 Detention for Public Protection (DPP)

- 23.1 There should be a particular focus on progressing those sentenced to a DPP (under the age of 18 when convicted).⁶⁴ This cohort will be in their late twenties and thirties now, over tariff, and likely to have had no, or little adult life experience outside of the custodial environment.
- 23.2 There were 326 DPP sentences handed down, 3.7% of the total IPP cohort:
- 309 were aged 15-17 (10 of which were girls)

⁶³ [Code of Practice for Victims of Crime](#)

⁶⁴ *Some IPP sentences were also handed down to under 18s*

- 16 were boys, aged 12-14
- One was a boy, aged 10-11

23.3 There were approximately 70 DPP sentenced individuals in prison and 100 in the community on licence (as of 30 January 2025).

23.4 Whilst individuals serving a DPP will no longer be children at the point at which they are referred to the Board, panels should bear in mind the offending was carried out as a child and they were taken into custody as a child. The period of maturation up to the age of 25 is likely to have taken place wholly in the custodial setting. **Child offending may be important for panels to reflect on in terms of considering maturation and custodial behaviour** (which most likely will be all they have known) and support arrangements in the community for an effective and successful release. The critical issue is to disentangle maturation issues from enduring unmanageable risk and ensure the risk assessment factors in the capacity to change quicker than older adults.

23.5 **Panels may wish to seek advice from specialist members⁶⁵ about whether there are points to consider where professionals are using risk assessment tools that have only been validated on adults when an individual has caused harm as a child.** There is also helpful information in the Guidance on Children.

23.6 As set out in Section 3, all DPP cases are prioritised for listing at both the MCA and oral hearing stages.

24 Women Serving an IPP Sentence

24.1 There were 249 IPP sentences handed down to women which represented 2.9% of the total number of IPP sentences issued. As of 30 January 2025,⁶⁶ there were a total of 33 women in custody serving an IPP sentence. This includes 9 women who have never been released and a further 24 women who had been recalled.

24.2 Research has found that women's experience of trauma and adversity contributes to both their risk and their failure to progress in prison.⁶⁷

24.3 It has been identified that the absence of a fixed release date for an IPP sentenced individual results in the lack of urgency or time pressure to arrange a resettlement plan. This can lead to a significant period in custody for women, even where community referrals have been made.

24.4 Another research study⁶⁸ undertaken by the Griffin Society that interviewed a small cohort of women serving an IPP sentence in one women's prison. The research identified that:

⁶⁵ A list of specialist members who can be consulted can be found on the member SharePoint landing page.

⁶⁶ MoJ Offender Management statistics quarterly: [July to September](#) (as of 30 January 2025)

⁶⁷ [Justice Select Committee 'IPP Sentences: Third Report of Session 2022-2023' \(2022\).](#)

⁶⁸ [Griffins Society: Too Many Bends in the Tunnel \(2019\)](#)

- All of the women spoken to talked about the lack of information on IPP sentences at the time of sentencing and their continued struggle to understand the sentence
- All of the women distinguished their tariff lengths (which they all judged as fair) from the length of time actually spent in custody. The indeterminate element was what caused most frustration and affected their ability to progress
- There were widespread feelings of anger that the sentence had been abolished, but they were still in custody. This led to lack of confidence in the system and affected willingness to engage
- The women all experienced significant losses during their sentence, with five of the nine losing children into local authority care
- All of the women spoke about the adverse effect of the sentence on their mental health, which affected their ability to engage in regime and risk reduction work – it is only by being assessed as engaging fully in this work that they are likely to be recommended for release
- Six of the nine women had tried to commit suicide multiple times
- Accessing interventions was problematic at the specific prison where the research was undertaken, due to poor availability of appropriate courses, and past trauma and anxiety making it difficult to engage
- Parole Board hearings were immensely stressful for the women and three had mostly paper hearings, despite being entitled to apply for oral hearings. The approach of individual boards had an impact on the women and their perception of due process
- All the women said that simply 'having a date' would make the most difference

24.5 Distance from home makes it difficult to maintain contact with children, which was one of the most distressing elements of long-term imprisonment for women. The pains of being separated from family and children are exacerbated by the indefinite length of time they will be held in prison, with no set date when they will be able to return home.

24.6 It is likely that these women present as having a particularly complex range of needs and there will be involvement from the Women's Estate Case Advice and Support Panel (WECASP). The criteria for referral to WECASP is set out in the HMPPS Women's Estate Case Advice and Support Panel (WECASP) Policy Framework.⁶⁹ **Panels may wish to ascertain if there is WECASP involvement as there may be information relevant to complex risk management arrangements. Such information should be covered within COM and POM reports but being aware that WECASP is involved may be helpful.**

25 Mental Health

25.1 As set out previously, individuals serving an IPP sentence are likely to experience frustration, anxiety, and loss of hope. This can lead to increased incidence of psychological harm.

⁶⁹ [HMPPS Women's Estate Case Advice and Support Panel \(WECASP\) Policy Framework](#)

25.2 The Howard League for Penal Reform 2013 research briefing⁷⁰ highlighted that the nature of the IPP sentence frequently had a negative impact on the health and wellbeing of those serving the sentence. Impacts include:

- High levels of anxiety and depression
- Increased risk of self-harm and suicide (or attempted)
- Widespread feelings of anger that the sentence had been abolished, but they were still in custody
- Lack of confidence in the system negatively affecting engagement

25.3 Poor mental health is particularly the case for those IPP-sentenced individuals who were sentenced pre-2008 with short tariffs who would not have been eligible for the sentence following the changes made in the Criminal Justice and Immigration Act 2008.⁷¹ The Act introduced a new 'seriousness threshold' and decreased the number of 'specified offences' for IPP sentences. It was emphasised that this cohort of individuals had particular difficulties with anxiety as they saw other individuals who had been convicted of similar crimes after 2008 enter and leave prison, whilst they were detained substantially beyond their tariff date.

25.4 Respondents noted that IPP sentences were particularly difficult for individuals who had pre-existing mental health or neurodevelopmental conditions, or personality disorder. Such individuals faced additional obstacles in accessing rehabilitative courses, where it was noted that interventions teams were unable to provide the level of support required, resulting in disproportionately longer periods in custody.

25.5 In the Board's submission to the Government consultation on reforming the Mental Health Act in 2021⁷² it was pointed out that these individuals may have been assessed and found in need of a transfer to hospital but are not considered a priority for a bed by the relevant mental health provider because they are in prison, and it is considered that this protects the public and ensures the individual's own safety. In such circumstances, the prison is effectively being used as a place of safety while a bed is awaited. If this is the case, it must be recognised that the level of care in prisons falls short of what would be available in the inpatient setting that an individual has been assessed as requiring. Whilst it is appreciated there are limited resources, these individuals tend to be very vulnerable and need to be transferred to the hospital setting promptly.

25.6 Panels may be concerned for individuals who may not be ready for release but do need specialist mental health care. There are currently delays for individuals who need to be transferred from a prison establishment to hospital. Transferring them as swiftly as possible to receive the treatment they need is critical. Transferring them to hospital can be a complicated process, and assessments and threshold criteria will vary between prisons.

⁷⁰ [*Howard League for Penal Reform: The never-ending story \(2013\)*](#)

⁷¹ [*The Criminal Justice and Immigration Act 2008*](#)

⁷² [*Parole Board response to Mental Health Reform Act consultation \(2021\)*](#)

25.7 **Panels should be mindful that the Board has no remit to provide a view on whether the individual should be transferred to hospital and should avoid making any such statements.** However, panels can direct a psychiatric assessment, where it is felt necessary, as part of a parole review and may wish to comment on concerns about an individual's mental health raised by report writers or witnesses. This might include supporting a recommendation made by another professional that the individual should be assessed for a transfer to a hospital setting.

25.8 It will be for other professionals to commission the necessary medical assessments, either during a parole review or, ideally, ahead of any review commencing, in order for a transfer under the Mental Health Act to be considered (and where appropriate, effected).

25.9 More information about transfers to hospital under the MHA can be found in the Restricted Patient and Mental Health Act Guidance.

IPP-sentenced prisoners in secure hospitals or remitted to prison

25.10 The following cases are dealt with by the MH Cohort of members:

- Prisoners who are due or overdue a parole review who are detained in a secure hospital setting as a restricted patient
- Prisoners who have been returned to prison following a period in a secure hospital setting and it is their first parole review since their return to prison

25.11 **Any panel receiving a mental health case at either MCA or oral hearing who is not within the MH Cohort should check with the Secretariat before proceeding. It is likely that it has been allocated in error.**

25.12 However, where an individual is having a subsequent review following a period of time in a secure hospital setting, they will be treated in the same way as any other IPP-sentenced individual.

MHA Section 117 aftercare

25.13 Prisoners are entitled to section 117 (s117) aftercare if they have been in hospital under sections 3, 37, 45A, 47, or 48 of the Mental Health Act 1983. **There is no time limit on this duty unless the s117 duties have been discharged.**

25.14 The following information may be helpful for those cases who, at some point in time, have been detained in a secure hospital setting but do not fall into the mental health case categories set out in paragraph 25.10.

25.15 **Reinforcing the right to s117 aftercare continuing once back in prison is important. Panels may wish to reiterate in directions or decisions that HMPPS has a continuing responsibility to involve the local health authority and their delegated agents with the care of the individual whilst in prison.**

25.16 Panels may come across a range of challenges when reviewing release arrangements where mental health wraparound services are key to both the individual's progression and the protection of the public. For example:

- Undertaking considerable work to engage mental health trusts and providers to work together to develop care and support packages for prisoners with specific needs.
- **In some cases, the starting point is establishing who will take the responsibility for making assessments and for locating services and funding.**
- Sometimes, due to exclusion zones, the catchment area mental health team cannot practically monitor the individual in the community where they will be placed due to geographical distance. There can then be subsequent funding and clinical disagreements about responsibility with the local community mental health services where the individual is placed. This can delay release.
- Panels have experienced serious problems with community mental health teams only accepting responsibility for community management and supervision post-release, once release has been directed by the Board.
- This is an issue as mental health may be an active risk management factor in the community and the panel may be unable to direct release until community mental health support is confirmed.

25.17 Better communications and clearer pathways and setting out scope and responsibilities of relevant agencies will go some way to mitigate against delays to parole reviews if these issues arise.

25.18 **It can often be helpful to seek information from the COM on the current position and how issues or challenges are being addressed by MAPPA.**

25.19 **Directions may then need to be issued to bring the key agencies together at a CMC to establish clear expectations and timeframes. An Executive Summary of MAPPA meeting minutes can be helpful for a panel to understand the community agencies' views on risk and involvement in risk management.**

25.20 **It can be helpful to direct information on whether a Care Assessment has been carried out, whether funding arrangements with the relevant local authority have been secured, and the minutes of any Care Plan Approach/s117 meeting which would ordinarily be held in the run up to a parole oral hearing.**

25.21 It is worth noting that behaviours potentially resulting from poor mental health are not always readily visible to clinical staff in prison in the way they would be in a hospital setting. Staff working on a prison wing may not identify mental health related behaviours and could instead treat individuals with disciplinary measures (or it may result in a prison transfer).

25.22 The Public Protection Group (PPG) has produced a bulletin for HMPPS staff about remitted prisoners, and a Hospital Remission Strategy⁷³ was published in November 2021. Alongside the strategy, the NHS has published a good practice guidance. These documents, together with more information about remitted prisoners and s117 aftercare can be found on SharePoint here: Restricted Patients Remitted to Prison.

26 Neurodivergent Prisoners

26.1 Many individuals serving an IPP sentence have issues related to high levels of psychological challenge, including neurodivergence and complex childhood trauma that can present a barrier to engagement and learning in a group context.⁷⁴

26.2 Neurodivergence and complex trauma can make course learning very difficult. The HMPPS IPP Action Plan recommends a more concentrated focus on individual rather than group work, which may benefit neurodivergent individuals.

26.3 Panels are reminded that diagnostic assessments are not always required where it is clear how someone presents and how this may manifest in risk management terms.

26.4 More information about the specific needs of neurodivergent individuals can be found in the Neurodiversity Guidance.

27 Support and Campaign Groups

Family

27.1 It is recognised that the impact on the families of individuals serving IPPs can be significant. Panels may find that there is very good support from family members, and these may feature as Protective Factors. **Where appropriate, panels may consider directing family members as witnesses.**⁷⁵ Some family members may be able to provide valuable insight that could assist with release plans. It could be helpful to discuss this option with the individual's representative, if there is one.

27.2 However, panels may need to carefully determine whether a particular family member is also a victim or potential victim as it is **not recommended that victims be called as witnesses.**

27.3 There may also be more frequent requests for family members to observe oral hearings and these should be approached positively if the family is considered as supportive or protective, particularly where there may be mental health concerns or other vulnerabilities about the individual. A

⁷³ LTHSE Hospital Remission Strategy (2021)

⁷⁴ [Justice Select Committee 'IPP Sentences: Third Report of Session 2022-2023' \(2022\)](#)

⁷⁵ More information can be found in the MCA Guidance.

family member observing should always be with the consent of the individual.

27.4 The Farmer Report (2017)⁷⁶ stated that familial and other supportive relationships are a “*golden thread that should run through efforts by the penal system to support prisoners*” and families should be “*seen as a vital resource and [...] treated as valued allies in the rehabilitation cause*”. It further stipulated that criminal justice agencies needed to make greater effort in working with the families of individuals to enhance resettlement outcomes.

27.5 The research report: A Helping Hand: Supporting families in the resettlement of people serving IPPs⁷⁷ set out the following:

- They often expressed feelings of having been forgotten, with a lack of official acknowledgement of the harms caused by the IPP sentence. It is a situation that, for many, lacks legitimacy.
- Most IPP-sentenced individuals and families struggle to plan ahead and work towards realistic goals, as the path towards release is far more uncertain.
- Some families of individuals sentenced to IPP want to play an active role in supporting their relative; they want their ‘expertise by experience’ to be recognised and utilised as part of the solution. Panels might wish to reflect on the reasons for non-involvement by some families: some families reported ‘falling away’, with the pain becoming too acute to bear.
- Families often feel immense frustration and distress when parole hearings are adjourned or rescheduled for a future date.

27.6 As part of this research, a short information awareness note about families of prisoners serving an IPP sentence was produced for parole panels. Whilst the focus is on the impact on families of IPP sentenced individuals, the information may be useful when understand the role, if any, of family and friends. The information awareness note is Annex C of the Observer Guidance and can be found on SharePoint: Information Awareness Note on IPP Families.

27.7 HMPPS published a guide⁷⁸ in 2021 for families and significant others of those serving indeterminate sentences which built on the above *Helping Hand* report by the Prison Reform Trust.

HMPPS Initiatives

27.8 Family and significant relationships are considered as a key means by which HMPPS can prevent reoffending and reduce the likelihood of intergenerational crime. HMPPS sets out in its practitioner guidance⁷⁹ that

⁷⁶ [Farmer Report: The Importance of Strengthening Prisoners’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime \(2017\)](#)

⁷⁷ [Annison and Straub University of Southampton and Prison Reform Trust. A Helping Hand: Supporting families in the resettlement of people serving IPPs \(2019\)](#)

⁷⁸ [HMPPS Guide for the families and significant others of those serving indeterminate sentences](#)

⁷⁹ [HMPPS Delivering Effective Family Practice](#)

there is a moral and ethical responsibility to assist any meaningful and constructive relationship in preparation for their release.

27.9 Each prison must have a *Family and Significant Other Strategy* and development plan that is available to prisoners, staff and all visitors. The strategy should be outward facing, published and freely available to families, prisoners and staff. The Strengthening Prisoners' Family Ties Policy Framework⁸⁰ sets out the requirements in more detail.

27.10 HMPPS continues its Listener Scheme⁸¹ in partnership with the Samaritans, who train prisoners as 'Listeners' to provide emotional support to prisoners in emotional distress.

28 Further Reading

28.1 Below is a list of the various documents accessible from the main IPP landing SharePoint Page: Imprisonment and Detention for Public Protection (IPP/DPP) Sentences.

Justice Select Committee Reports and Government responses

- The Parole Board, 'Written submission of evidence on IPP sentences' (2021)
- The Parole Board, 'Chair and CEO's Oral Evidence Session' (2021)
- House of Commons Justice Committee, 'IPP sentences Third Report of Session 2022-23' (2022)
- Letter to Sir Robert Neill MP (2022)
- House of Commons Justice Committee, 'Ninth Special Report of Session 2022-23' (2023)
- House of Commons Library Research Briefing (2023)
- House of Lords Library Briefing IPP (Re-sentencing) Bill (2024)

The HMPPS Action Plan and sentence progression frameworks

- Letter from the Secretary of State to Chair of Justice Committee (2023)
- HMPPS, 'HMPPS IPP Action Plan' (2023)
- HMPPS, 'Guidance on Offending behaviour programmes and interventions' (2018)
- NHS England, 'The offender personality disorder (OPD) pathway: a joint strategy for 2023 to 2028' (2023)
- HMPPS, 'Psychology Strategy for Prisoner's Serving Sentences of Imprisonment for Public Protection' (2023)

IPP Research supported by the Parole Board

- Webster, R., Dr Edgar, K., & Dr Harris, M., 'No life, no freedom, no future: The experiences of prisoners recalled under the sentence of Imprisonment for Public Protection' (2020)

⁸⁰ [HMPPS Strengthening Prisoners Family Ties Policy Framework](#)

⁸¹ [Samaritans Listener Scheme](#)

- Smart, S., 'Too many bends in the tunnel? Women serving Indeterminate Sentences of IPP - what are the barriers to risk reduction, release and resettlement?' (2018)
- Annison, H. & Straub, C., 'A Helping Hand: Supporting Families in the Resettlement of People Serving IPPs' (2020)
- The British Journal of Criminology, 'The Pains of Hope: Families of Indeterminate Sentenced Prisoners and Political Campaigning by Lay Citizens' (2022)
- The Parole Board, 'IPP Families Information Sheet' (2024)

External IPP published reports, articles and reports

- Centre for Crime and Justice Studies, 'How to Resolve the IPP Crisis For Good' (2024)
- Prison Reform Trust 'No life, no freedom, no future+' (2020)
- Prison Reform Trust, 'Making Progress? What progression means for people serving the longest sentences' (2022)
- Prison Reform Trust, 'Unjust Deserts: imprisonment for public protection' (2010)
- Prison Reform Trust, 'IPP: How will the changes affect you?' (2024)
- United Nations Human Rights, 'Reform of problematic UK sentencing system welcome but bolder action needed says UN Special Rapporteur on torture' (2023)
- United Nations Human Rights, 'Letter from UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2023)
- United Nations Human Rights, 'UN expert urges immediate review of discredited UK sentencing scheme' (2023)
- Independent Monitoring Boards, 'The impact of IPP sentences on prisoners' wellbeing' (2023)
- The British Journal of Criminology, 'The Pains of Hope: Families of Indeterminate Sentenced Prisoners and Political Campaigning by Lay Citizens' (2022)
- UNGRIPP, 'Newsletter August 2023 - December 2023' (Jan 2024)
- User Voice, 'The Voice of People on IPP' (2024)
- HMPPS Safety Learning Bulletin (2023)
- HMPPS IPP Toolkit (2023)
- Prison and Probation Ombudsman Learning Lessons Bulletin: self-inflicted deaths of IPP prisoners (2023)
- The Howard League for Penal Reform, Prison Reform Trust, and The Prisoners Advice Service Legal Guide to Terminating IPP Licences (2024)