

<b>Title:</b> Sentencing Bill Impact Assessment <b>IA No:</b> MoJ030/2025 <b>RPC Reference No:</b> N/A <b>Lead department or agency:</b> MoJ <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 02/09/2025			
	<b>Stage:</b> Final			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Primary legislation			
	<b>Contact for enquiries:</b> Stephen.Toal1@justice.gov.uk			
<b>Summary: Intervention and Options</b>				<b>RPC Opinion:</b> N/A

Cost of Preferred (or more likely) Option (in 2025/26 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
-£232.7m	N/A	N/A	Not a regulatory provision

**What is the problem under consideration? Why is government action or intervention necessary?**

The government estimates that without action demand for prison places will grow by over 3,000 annually in the coming years, reaching between 97,300 and 112,300 prisoners by November 2032. This exceeds the number of prison places that will be available despite the government increasing supply. It was against this background that the Government commissioned the Independent Sentencing Review (ISR) to comprehensively re-evaluate the sentencing framework in England and Wales and ensure that the country is never again in a position where it has more prisoners than prison places. Without intervention, there would be catastrophic consequences for the criminal justice system such as:

- Court trials no longer going ahead.
- Police unable to make arrests.
- Limited prisoner movements across the estate risking security issues
- Significant public protection risks would arise from prisons not being able to receive prisoners, e.g. those recalled for Serious Further Offences, or who have committed other serious crimes.
- A complete breakdown of law and order in the community, resulting in increased crime which would place extreme burdens on the police and other agencies.

Government intervention is necessary via primary legislation to ensure the justice system can continue to function.

**What are the policy objectives of the action or intervention and the intended effects?**

The policy objectives of this bill are to:

- Avert the complete breakdown of law and order and protect the public by ensuring there is sufficient capacity in the prison estate to house the most dangerous offenders.
- Encourage offenders to turn their backs on a life of crime and reduce reoffending by making greater use of punishment outside of prison.
- Improve the effectiveness of community sentences, reduce administrative burdens and prioritise resource more effectively to maximise public protection.
- Reduce crowding and improve prison conditions for offenders and staff which may improve engagement in rehabilitative activities.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

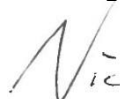
- **Option 0:** Do Nothing. Make no changes to existing legislation. Under this option, the current issues in the criminal justice system will continue, and this will result in a complete breakdown of law and order.
- **Option 1:** Implement the Sentencing Bill.

**The Government's preferred option is Option 1 because it best meets the policy objectives.**

<b>Will the policy be reviewed?</b> It will be reviewed. <b>If applicable, set review date:</b> In development (TBC)				
Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	Micro No	Small No	Medium No	Large No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)		Traded: n/a		Non-traded: n/a

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible:  
MINISTER



Date:

01/09/2025

# Summary: Analysis & Evidence

## Policy Option 1

Description: Implement the Sentencing Bill

### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
25/26	26/27	10	Low: -18.4	High: -530.9	Best Estimate: -232.7

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	11.2	40.9	357.6
High	11.2	111.3	951.9
Best Estimate	11.2	69.7	600.5

#### Description and scale of key monetised costs by 'main affected groups'

The Sentencing Bill will cost an average of £69.7m per year. This includes the costs to probation, electronic monitoring and community accommodation. This average annual cost is composed of the following:

- the Presumption to Suspend Short Custodial Sentences and Extension of Suspended Sentence Orders is estimated to cost £35.3m per year;
- the Progression Model including recall is estimated to cost £27.3m per year;
- the Probation model is estimated to cost £2.2m per year; and
- the changes to remand are estimated to cost £4.9m per year.

#### Other key non-monetised costs by 'main affected groups'

The bill may impact other government departments such as DWP (benefits), CLG (housing and substance misuse services) and partners such as the police (e.g. electronically monitored bail).

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	-	39.7	339.2
High	-	49.4	421.0
Best Estimate	-	43.1	367.8

#### Description and scale of key monetised benefits by 'main affected groups'

The Sentencing Bill will deliver an average annual benefit of £43.1m. This is from the Progression Model and Probation measures offsetting some of the increased caseload on the Probation Service, delivering average savings for probation of £13.5 m and £29.6m per year respectively.

#### Other key non-monetised benefits by 'main affected groups'

This Bill will ensure that the country has sufficient prison places by reducing demand by 7,500 places in 2028. The Bill will help ensure that the Criminal Justice System can continue to function with arrests and court trials continuing to go ahead, so avoiding a breakdown of law and order. The public will continue to be protected from the most serious offenders by ensuring prison places are available.

Key assumptions/sensitivities/risks	Discount rate
It is assumed that the measures in this Bill will commence implementation in 2026 (the estimated impacts could change if the implementation date is different). It has also been assumed that the reduction in demand for prison places delivered by these measures will be offset by the forecast growth in prison population (for example, after these reforms it is expected that there will be around 2,000 more people in prison by May 2029 compared to current levels) meaning there are no monetised benefits for prisons.	3.5

### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m: N/A
Costs:	N/A	Benefits: N/A	Net: N/A

# Evidence Base

## A. Background

1. The prison population on 18 August 2025 was 88,273. The government estimates that without action demand for prison places will grow by over 3,000 annually in the coming years, reaching between 97,300 and 112,300 prisoners by November 2032. This will exceed available capacity in the prison estate, even when new prison places are built.
2. It was against this background that the Government commissioned the Independent Sentencing Review (ISR)<sup>1</sup> to comprehensively re-evaluate the sentencing framework in England and Wales and ensure that the country is never again in a position where it has more prisoners than prison places. This is because, without intervention, there would be catastrophic consequences for the criminal justice system such as:
  - Court trials no longer going ahead.
  - Police unable to make arrests.
  - Limited prisoner movements across the estate risking security issues.
  - Significant public protection risks from prisons not being able to receive prisoners, e.g. those recalled for Serious Further Offences, or who have committed other serious crimes.
  - A complete breakdown of law and order in the community, resulting in increased crime which would place extreme burdens on the police and other agencies.
3. The ISR undertook its review from October 2024 to May 2025, and published its report and recommendations on 22 May 2025. The Government has accepted, or accepted in principle, almost all of the ISR's recommendations (the recommendation to enable earned earlier release for those serving extended determinate sentences was rejected).
4. The Sentencing Bill is primarily intended to give effect to the ISR's recommendations which require change in primary legislation. Recommendations which do not require legislative change will be addressed separately. The Sentencing Bill also includes wider measures that were outside the scope of the ISR, including addressing the growing remand population and the powers of the Sentencing Council.
5. This Impact Assessment (IA) deals with measures relating to Sentencing, the Progression Model, Probation and Remand. This IA explains the policy rationale and main objectives for each of the measures included in the Bill, the main impacts, both monetised and non-monetised and the main assumptions and risks underpinning the analysis.

## Problem under consideration

### **Sentencing**

#### *Impact of short custodial sentences on reoffending*

6. The number of adults serving sentences of less than 12 months was around 3,300 on 30 June 2025, of which 48% were serving sentences of 6 months or less.
7. Offenders on short sentences reoffend at a higher rate than those sentenced to community sentences or suspended sentence orders. The one-year proven reoffending rate for adults starting a suspended sentence order (with requirements) between July to September 2023 was 25%. Of those released from a custodial sentence of less than a year, 62% are proven to reoffend within a year. Robust analysis which compares offenders with similar

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<sup>1</sup> [Independent Sentencing Review - History and Trends in Sentencing](#)

characteristics shows that suspended and community sentences are more effective than short custodial sentences in reducing reoffending (a difference of four percentage points) and promoting rehabilitation, including for prolific offenders<sup>2</sup>. While short custodial sentences may be needed in some circumstances, they often fail to rehabilitate.

8. Reoffending also contributes to increasing the prison population, further exacerbating capacity pressures. The ISR set out in detail the impacts of short sentences on reoffending and the prison population in its report on the history and trends of sentencing.<sup>3</sup>
9. The ISR made a suite of recommendations to reduce the use of short sentences, increase the use of community and suspended sentences, and emphasise the importance of protecting victims alongside the wider public in sentencing.
10. The Bill will introduce a presumption for courts to suspend short custodial sentences of 12 months or less unless the offender breaches any order of the court or where there is a significant risk of harm to an individual. The judiciary will also be able to determine where there are exceptional circumstances that do not justify a suspended sentence order, and where this is the case, will retain discretion to impose a sentence of immediate custody. The Bill will also extend the power of the courts to suspend sentences by allowing custodial sentences of up to 3 years to be suspended.

#### *Community Sentence Reform*

11. As part of its objective to strengthening alternatives to custody in the community, the ISR recommended that the sentencing framework be revised to ensure sentencers can take full advantage of the flexibility of community sentencing.
12. Currently, when sentencing an offender to a Community Order (CO) or Suspended Sentence Order (SSO), the courts have a number of powers to punish the offender (such as unpaid work, taking part in a programme to change offending behaviour, or curfew requirements). Unpaid work is currently the most commonly used punishment (representing 30% and 25% of requirements given for COs and SSOs respectively in the year ending March 2025).
13. To encourage the courts to tailor punishment and rehabilitation to the individual offender and their criminal behaviour, the Bill will introduce further specific requirements into the menu of options for COs and SSOs. This will include powers for the court to prohibit offenders from entering drinking establishments; attending sports and other public events; from driving and via the imposition of restriction zones. This Bill will also mirror this approach for offenders on licence by providing wider powers for probation to set these as licence conditions. The measure will also include a power for the Lord Chancellor to add to, or amend, any requirement available as part of a CO or SSO via secondary legislation.

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<sup>2</sup> [The impact of short custodial sentences, community orders and suspended sentence orders on reoffending](#)

<sup>3</sup> The ISR report of the history and trends of sentencing, published in February 2025, is available at:  
<https://assets.publishing.service.gov.uk/media/67c583a868a61757838d2196/independent-sentencing-review-part-1-report.pdf>

### *Poor data on offences involving domestic abuse*

14. The Domestic Abuse Act 2021<sup>4</sup> created a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse.
15. There is no single domestic abuse offence. Currently the police and the Crown Prosecution Service (CPS) will mark offences as domestic abuse related where appropriate. These markers do not transfer across different stages of the criminal justice system and rely on staff correctly identifying the domestic abuse context and manually applying the marker.
16. There is also currently no consistent way to record when domestic abuse was a factor in a criminal offence at the point of sentencing, which creates challenges for providing victim support, data analysis, and perpetrator management. We therefore do not have publishable information on offences committed in the context of domestic abuse (other than where specified in the offence, i.e. Controlling and Coercive Behaviour).

### *Ensuring stronger democratic oversight of sentencing guidelines*

17. In April 2025, the Lord Chancellor indicated to Parliament that she would undertake a review of the Sentencing Council's role and powers.<sup>5</sup> The intention of the Bill's measures is to increase democratic oversight of sentencing guidelines that the Council produces, through introducing statutory requirements on the Council to publish an annual business plan which must be approved by the Lord Chancellor before publication, and obtaining the joint agreement of the Lord Chancellor and Lady Chief Justice of all sentencing guidelines, before the Council can issue them as final, definitive guidelines. These measures do not interfere with the independence of judges and magistrates in making individual sentencing decisions.

### *Technical measures relating to parole*

18. The parole referral power (which allows the Secretary of State to refer certain cases to the High Court) is intended to provide a second check on some of the Parole Board release decisions involving the most serious offenders. The Victims and Prisoners Act 2024 only provides for the High Court to make a decision on the release of the prisoner. The Act is silent on what the High Court role is, if a case about a recalled offender serving a sentence of imprisonment for public protection (IPP<sup>6</sup>) is referred to it, where the Parole Board has also made a decision on the termination of the IPP offender's licence. This is an unintended gap that this Sentencing Bill seeks to rectify.

### *Income Reduction Orders*

19. This measure is important to support ensuring that sentences served in the community are sufficiently punitive. This measure is in-line with ISR recommendations about tougher use of financial penalties.

## ***Progression Model for Standard Determinate Sentences***

### *Change in Standard Determinate Sentence (SDS) Release Point*

20. The Sentencing Bill introduces a new earned release model for individuals serving Standard Determinate Sentences (SDS) known as 'the progression model'. The Progression model

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<sup>6</sup> IPP is an indeterminate sentence introduced in 2005 under the Criminal Justice Act 2003. It includes a minimum term to be served in custody, followed by an indeterminate period during which the offender can remain in custody until the Parole Board deem safe for release. This sentence was abolished in 2012.

sets a minimum release point of 33% for standard determinate sentences (SDS). Release may be later if they have been given added days by an Independent Adjudicator for serious rule breaking. Similarly, those who were formerly released at the two-thirds point will now become eligible for release no earlier than the halfway stage, with the same approach to added days.

21. This progression model is designed to ensure that custodial sentences are carried out in a way that is fair and transparent for victims, offenders and the public. It is intended to incentivise positive behaviour in prison, support rehabilitation and helps reduce the risk of reoffending. By linking release to conduct, the model will also help restore public confidence in the justice system and provide greater clarity for victims.
22. Following release, in the second part of the progression model offenders will enter a period of 'intensive supervision', including a bolstered licence model which will provide the probation service with a range of tools for effectively managing offenders in the community. This period of intensive post custody supervision will include an increased use of electronic tagging to support compliance. New restrictive conditions will support a more robust approach to post-custody supervision and allows probation practitioners a suite of options to support them in effectively managing offenders in the community. These include the prohibition of driving; a ban on attending public events, entering drinking establishments, and a power for probation to drug test offenders on licence and set new 'restriction zones'.
23. The requirement for Post Sentence Supervision will be removed and, while offenders will stay on licence until the end of their sentence, as a matter of policy, probation supervision will cease for some SDS offenders in the final stage of their sentence (the licence stage). This broadly mirrors the current position under the "Reset" provisions where active probation supervision ceases for some offenders. However, supervision to the end of the licence period will continue for a greater number of specified cohorts: those subject to multi-agency public protection arrangements (MAPPA) levels 1, 2 and 3; terrorist and terrorist risk offenders, national security offenders as well as those who may be at risk of involvement in foreign power threat activity, relevant adults named in a Child Protection Plan, and those assessed as High and Very High Risk of Serious Harm (RoSH). **All offenders** will still be subject to recall to custody if they cannot be safely managed in the community. Probation will also have the ability to reactivate supervision if they newly meet the criteria for the exempt cohort.
24. While these reform measures will help manage pressures on the prison estate and probation, the aim is to create a sentencing framework that promotes rehabilitation, protects the public, and ensure prison capacity is used in a way that enable safe and effective regimes.

#### *Recall*

25. The population of prisoners on recall (returning to custody during their licence period) has more than doubled over the seven-year period from June 2018 to June 2025 from c.6,300 to c.13,500 creating unsustainable pressure on the custodial estate.
26. Whilst powers to recall offenders remain an important response to non-compliance and escalating risk, the measures in the Bill balance this with the need for a manageable recall population.
27. The Bill introduces 56-day recall for most standard determinate sentence offenders, replacing the current shorter length (14 and 28 days) for fixed-term recall (FTR). Fixed-term recalls are returns to custody for a fixed length of time, after which the offender is re-

released into the community. This ensures there is sufficient probation time to risk assess and put in place management plans to enable safe release and address the issues that led to the recall, and help offenders turn their lives around, whilst also balancing the growing recall population.

28. Offenders who meet specific criteria will only be able to be given a standard recall and the bill introduces a new power to keep SDS offenders in custody beyond 56 days where they meet the threshold set out in the bill. This test is that the Secretary of State believes on reasonable grounds that the prisoner would, if released, pose a significant risk to members of the public of serious harm occasioned by the commission of murder or certain specified violent, sexual, national security or terrorist offences. Where this test is met, the offender will be transferred to a standard recall.

### ***Probation***

29. The Sentencing and Progression measures will increase the number of people managed by the Probation Service. The Bill is therefore also introducing measures to offset this. This includes removing the burden of current administrative tasks and ensuring that probation practitioners are better able to align engagement with an offender's assessed level of risk and need and that resource is prioritised effectively to maximise public protection.
30. These measures include removing the requirement for practitioners to request an extension from the court if unpaid work hours are not complete within 12 months to allow completion over the length of the whole order, and a provision to replace the Rehabilitation Activity Requirement with a broader requirement. These will both encourage compliance with tough requirements, support individuals to turn their lives around and ultimately improve outcomes for society.
31. The Bill also introduces a measure to provide for the publication of names and photographs of offenders undertaking unpaid work to provide greater public confidence that justice is seen to be done.
32. As part of embedding the principle of progression into community sentences, the Bill introduces an additional measure providing for automatic termination of community orders and the supervision period of suspended sentence orders once all court-ordered requirements and all other objectives in the sentence plan are complete.

### ***Remand***

33. The prison remand population has been a key factor in the growing prison population and resulting capacity pressures. As of 30 June 2025, the remand prison population stood at 17,701 (representing 20% of the total prison population).<sup>7</sup> This represents the highest 'end of June' figure in at least the last 50 years.<sup>8</sup> The number of people remanded in custody is projected to increase in the coming years, although future policy changes may influence this growth.<sup>9</sup>
34. While remand was out of scope of the ISR, the Bill measures being brought forward from the review will have implications for this cohort of the prison population. With a presumption to suspend short sentences in place, immediate imprisonment is expected to become less

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<sup>7</sup> [prison-population-30-June-2025.ods](#)

<sup>7</sup> This is the highest recorded figure in the remand population data available to the Ministry of Justice.

<sup>9</sup> [Prison Population Projections: 2024 to 2029 - GOV.UK](#)

likely and the court should be able to better anticipate sentencing outcomes when deciding whether to grant or refuse bail. It follows that the justification for remanding a defendant into custody is reduced where an immediate custodial sentence appears unlikely.

35. Within this context, the Bill will amend the “no real prospect” test in the Bail Act 1976 so that fewer exceptions to bail apply in cases where immediate imprisonment is unlikely. It will also amend the same Act to permit the court to impose an electronic monitoring requirement on defendants who would now be bailed under the amended test.
36. Noting the growth in the female remand population, and reflecting the Government’s ambition to reduce the number of women in prison, the Bill will add to the list of factors in the Bail Act 1976 which the court should take into account, where relevant, when deciding whether certain exceptions to the right to bail apply. These factors will include: the defendant is pregnant; the defendant is a primary caregiver; and the defendant has been a victim of domestic abuse.

## **B. Policy Rationale and Objectives**

### **Rationale**

37. The conventional approach to government intervention is based on efficiency or equity arguments. Government may consider intervening if there are strong enough failures in the way markets operate, for example monopolies overcharging debtors, or if there are strong enough failures in existing government interventions, such as outdated regulations generating inefficiencies. In all cases the proposed intervention should avoid generating a further set of disproportionate costs and distortions. Government may also intervene for reasons of equity (fairness) and for re-distributional reasons (e.g. reallocating resources from one group in society to another).
38. The rationale for the measures in this Bill is to protect the public, by maintaining law and order, and increasing efficiency by reducing reoffending and improving the management of offenders in the community.

### **Policy Objectives**

39. The reforms will put public protection and cutting crime at the heart of the justice system and ensure the public is protected from the threat of prisons running out of space and resulting criminal justice gridlock such as the police unable to make arrests.
40. This Bill will enable a managed approach to projected future excess demand for prison places. As a result of the Bill measures, while the numbers of people in prison are still projected to increase, they will remain within the additional capacity that the government is building (for example, by May 2029 the department estimates there will be around 2,000 more people in prison compared to today after implementing the measures in this Bill). The Bill measures will also change the composition of offenders prioritised for the prison places to ensure there is capacity for the most serious offenders whilst also ensuring less serious offenders are managed effectively in the community to offer rehabilitation and public protection.
41. The overall policy objectives of the Bill are to:
- Avert the complete breakdown of law and order and protect the public by ensuring there is sufficient capacity in the prison estate to house the most dangerous offenders.
  - Encourage offenders to turn their backs on a life of crime and reducing reoffending by making greater use of punishment outside of prison for those sentenced to short custodial sentences.



- Improving engagement and compliance with community sentences and sentence plans, freeing up practitioners' time to focus on the most serious and complex offenders.
- Reduce crowding and improve prison conditions for offenders and staff which may improve engagement in rehabilitative activities.

### *Sentencing*

42. The policy objectives associated with the Sentencing measures are to:

- Punish offenders and protect the public, and ensure that there is always space in prison for the most dangerous offenders;
- Encourage offenders to turn their backs on a life of crime, cutting crime by reducing reoffending;
- Expand and make greater use of punishment outside prison; and
- In so doing, give effect to the ISR recommendations on sentencing.

### *Progression model for Standard Determinate Sentences*

43. The policy objectives associated with the Progression measures are to:

- Align with broader commitments to manage the prison population effectively by introducing a structured model that ensures time in custody is meaningful and proportionate.
- Protect the public and victims by ensuring we always have space in prison for dangerous offenders
- Embed earned release as a central principle, with offenders who behave badly having days added to their time in prison.
- Reduce reoffending and support reintegration by ensuring robust supervision and rehabilitation through community-based licence conditions.
- Simplify sentence administration by providing a clear, more predictable framework for release and supervision.
- Provide long term solutions for our justice system by addressing the growing recall population and enabling probation to focus resources where they are most effective.

### *Probation*

44. The policy objectives associated with the Probation measures are to:

- Ensure the increase in probation resources required from the Sentencing and Progression measures are offset by wider measures to reduce burdens and limit resource implications for probation
- Protect the public by ensuring probation practitioners are better able to align supervision with an offender's risks and needs and that resource is prioritised effectively.
- Embed the principle of progression in community sentences to increase offender engagement and compliance with community requirements and sentence plans, with the effect of improving offender behaviour and freeing up probation resource.
- Ensure probation practitioners spend their time where they have the greatest impact.
- Improve public confidence by ensuring that justice is seen to be done.

### *Remand*

45. The policy objectives associated with the remand measures are to:

- Align with the Sentencing measures so that defendants unlikely to receive an immediate custodial sentence will also be unlikely to be remanded.

- Reduce the remand prison population, which is at effectively record high levels.

## C. Affected Stakeholder Groups, Organisations and Sectors

46. A list of all the main groups that would be affected by the measures described in this IA is shown below:

- Victims and witnesses
- Eligible offenders and their families
- His Majesty's Courts and Tribunals Service (HMCTS)
- His Majesty's Prison and Probation Service (HMPPS)
- The judiciary
- Legal Aid Agency (LAA)
- The Crown Prosecution Service (CPS)
- The Police
- Parole Board for England and Wales
- Sentencing Council
- Electronic Monitoring Service
- Community Accommodation Service (CAS)
- Local Authorities
- Department for Work and Pensions (provision of financial benefits)
- The wider public

## D. Descriptions of options considered

47. The following two options are considered in this IA:

- **Option 0/Do Nothing: make no changes to existing legislation**
- **Option 1: Legislate to introduce the measures in the Sentencing Bill**

48. Option 1 comprises the following legislative measures:

- **Sentencing**
  - **1a** Presumption to Suspend Short Sentences
  - **1b** Extension of Suspended Sentence Orders from 2 to 3 years
  - **1c** Excluding Extended Determinate Sentences (EDS) and Sentences for offenders of Particular Concern (SOPC) from being suspended in any circumstances
  - **1d** Extending Deferred Sentences from 6 to 12 months
  - **1e** Community sentencing requirement reform
  - **1f** Changing the powers of the Sentencing Council
  - **1g** Introducing judicial finding of domestic abuse
  - **1h** Amending the statutory purposes of sentencing
  - **1i** Parole: repeal the measure in the Victims and Prisoners Act
  - **1j** Parole: enable the Secretary of State to refer Parole Board releases to the High Court
  - **1k**: Income reduction orders
- **Progression model for Standard Determinate Sentences**
  - **2a** Post Sentence Supervision (PSS) reform (and non-legislative changes to Licence supervision)
  - **2b** Restrictive Licence Conditions
  - **2c** Change in Standard Determinate Sentence (SDS) Release Point

- **2d** Recall
- **2e** National Security offences
- **2f** Early removal of prisoners liable to removal from United Kingdom
- **2g**: Repatriated offenders serving fixed term sentences for murder
- **Probation**
  - **3a** Replacing Rehabilitative Activity Requirements (RAR) with a Probation Requirement
  - **3b** Removing 12 month delivery restriction for Unpaid Work
  - **3c** Automatic termination of community orders and the supervision period of suspended sentence orders upon completion of the sentence plan
  - **3d** Reduction in Unpaid Work (UPW) hours to be offered as an incentive for good behaviour
  - **3e** Publishing the names and photographs of those subject to an unpaid work requirement.
- **Remand**
  - **4a** Amending the “no real prospect” test
  - **4b** Amending the statutory factors that may be relevant to bail

49. Option 1 is the preferred option as it best meets the Government’s policy objectives. Each Bill measure is described in detail in Table 1.

Table 1: Summary of Sentencing Bill Measures	
Measure	Description
<i>Sentencing</i>	
<i>1a: Presumption to suspend short sentences</i>	To introduce a presumption that the courts will suspend short custodial sentences of 12 months or less. The presumption will not apply to: i) breach of court orders (including breach of any violence against women and girls (VAWG) related orders or breach of a previous suspended sentence order), ii) where there is significant risk of harm to an individual, whether physical or psychological, or iii) where there are exceptional circumstances relating to the offence or the offender that justify not suspending the sentence.
<i>1b: Extension of Suspended Sentence Orders (SSOs) from 2 to 3 years</i>	To extend the power of the courts to suspend sentences by allowing custodial sentences of up to 3 years to be suspended and extend the maximum operational period for suspended sentences to 3 years where the custodial sentence being suspended is over 2 years in length.
<i>1c Excluding EDS and SOPCs from being suspended.</i>	To exclude Extended Determinate Sentences (EDS) and Sentences for Offenders of Particular Concern (SOPC) from being suspended under any circumstances.
<i>1d: Extending Deferred Sentences from 6 to 12 months</i>	To extend the maximum period of a ‘deferment order’ (which allows the court to delay making a sentencing decision following conviction) from 6 months to 12 months.

<i>1e: Community Sentencing Requirements reform</i>	<p>To add further specific requirements to the menu of options available for Suspended and Community Sentence Orders and to take a power to add to, or amend, any requirement available as part of a suspended or community sentence order via secondary legislation.</p> <p>This will include powers for the court to prohibit offenders from drinking establishments; attending sports and other public events; from driving and the imposition of restriction zones, limiting offenders to specific geographical areas.</p>
<i>1f: Changing the powers of the Sentencing Council</i>	To introduce a statutory requirement for the Sentencing Council to publish an annual business plan which must be approved by the Lord Chancellor before publication, as well as introducing a statutory requirement that the Lord Chancellor and Lady Chief Justice must jointly approve sentencing guidelines before the Council can issue them as final, definitive guidelines.
<i>1g: Introducing judicial finding of domestic abuse</i>	To introduce a formal judicial finding of domestic abuse at sentencing, ensuring that courts explicitly acknowledge and record where an offence has involved domestic abuse.
<i>1h: Amending the statutory purposes of sentencing</i>	To amend the statutory purposes of sentencing by making explicit reference to protection of victims alongside protection of the wider public.
<i>1i: Parole: repeal the measure in the Victims and Prisoners Act</i>	To repeal the power of the Secretary of State to appoint certain types of members onto Parole Board panels deciding on the release of an offender, in favour of that decision remaining solely with the Parole Board.
<i>1j: Parole: enable the Secretary of State to refer Parole Board releases to the High Court</i>	To make a technical amendment to ensure that a case where the Parole Board has directed the unconditional release of an offender can be referred to the High Court under the parole referral power under s32ZAA of the Crime (Sentences) Act 1997.
<i>1k: Income Reduction Orders</i>	To provide a new ancillary order available to judges when sentencing offenders to an SSO. An IRO would require the offender to pay a percentage of their income for the duration of their sentence.
<b>Progression</b>	
<i>2a: Post Sentence Supervision (PSS) reform and changes to Licence supervision</i>	<p>To amend the Criminal Justice Act 2003 - removing the requirement for an offender's Post Sentence Supervision.</p> <p>This will bring the management of all offenders serving sentences in custody under the progression model.</p> <p>While all offenders will remain on licence until the end of their sentence, as a matter of policy, supervision will cease at the two-thirds point of sentence for offenders unless excluded (which will include those managed under MAPPA conditions, terrorist offenders, those who pose a terrorist risk, national security offenders as well as those who may be at risk of involvement in foreign power threat activity, relevant adults named in a Child Protection Plan, and those assessed as Very High and High Risk of Serious Harm (the latter and offenders at risk of involvement in foreign power threat activity goes further than current Reset exclusions). Probation will have the ability to reactivate</p>

	supervision if offenders subsequently meet the criteria for the exempt cohorts.
<i>2b: Restrictive Licence Conditions</i>	To provide discretionary powers for the Secretary of State for Justice to impose new, more restrictive licence conditions on standard determinate sentenced offenders serving the post-custody stage of their sentence in the community - including expanding drug testing to all offenders on licence, driving prohibition, attendance at sporting and public events, and imposition of restriction "inclusion zones".
<i>2c: Change in Standard Determinate Sentence (SDS) Release Point</i>	<p>To amend the Criminal Justice Act 2003 – changing the automatic release point.</p> <p>The new framework will apply to all SDS cases where release is automatic and not subject to a Parole Board decision. It will phase out early release under Home Detention Curfew for Standard Determinate Sentences. The higher release point for certain serious and violent offenders will apply to all prisoners who meet the offence and sentence length criteria, regardless of their date of sentencing.</p>
<i>2d: Recall</i>	To amend the Criminal Justice Act 2003 for offenders serving SDS to replace fixed term recall and standard recall with a longer fixed term recall period (FTR) of 56-days after which time they will be automatically released (except in exceptional circumstances) , and introduce important public protection measures where offenders will be placed on a longer recall (in specific circumstances). To make amendments so that for offenders who receive a Sentence for Offenders of Particular Concern (SOPC) only a standard recall will be available.
<i>2e: National Security offences</i>	To amend Schedule 13 to the Sentencing Act 2020 to bring certain national security offences with a maximum penalty of over two years' imprisonment – primarily those in the National Security Act 2023 and Official Secrets Acts – within the scope of a Sentence for Offenders of Particular Concern (SOPC).
<i>2f: Early removal of prisoners liable to removal from United Kingdom</i>	Amend section 260 of the Criminal Justice Act 2003 which allows for the removal of determinate sentenced prisoners liable to removal from the UK to be removed from prison before the end of the custodial part of their sentence for the purpose of immediate deportation. This measure will remove the requirement that an offender serve a minimum pre-removal custodial period and provides that there be no maximum removal period before an eligible offender can be removed. This will enable such removal to happen for the purposes of deportation at any time after sentence.
<i>2g: Repatriated offenders serving fixed term sentences for murder</i>	To amend the statutory release point for offenders repatriated to England and Wales pursuant to a warrant under Section 1 of the Repatriated of Prisoners Act 1984 (the 1984 Act) who have received a fixed term sentence for murder. For these offenders, the statutory release point will be two-thirds. These offenders will remain on licence until the end of their sentence and only be eligible for standard recall.

<i>Probation</i>	
<i>3a: Replacing Rehabilitative Activity Requirements (RAR) with a Probation Requirement</i>	To amend the Sentencing Code to replace the rehabilitation activity requirement (RAR) with a new 'probation requirement' to allow probation practitioners more flexibility to align engagement with an individual's risks and needs.
<i>3b: Removing 12 month delivery restriction for Unpaid Work</i>	To amend the Sentencing Code to remove the requirement for offenders to perform unpaid work hours within a 12 month period. This will remove the requirement for staff to apply to court for an extension, prevent some orders expiring with outstanding hours, eliminate inefficient processes by reducing administrative burdens, and bring consistency across the sentence framework.
<i>3c: Automatic termination of community orders and the supervision period of suspended sentence orders upon completion of the sentence plan</i>	To provide for automatic early termination of community orders (CO) and the supervision period of suspended sentence orders (SSO) once all court-ordered requirements and all other objectives in the sentence plan are complete, providing an incentive to offenders to comply with orders and complete their requirements and sentence plan earlier.
<i>3d: Reduction in Unpaid Work (UPW) hours to be offered as an incentive for good behaviour</i>	To provide for a discount in community payback hours offenders are required to complete under a community order or suspended sentence order with an Unpaid Work requirement, when eligible offenders demonstrate sustained compliance throughout the requirement.
<i>3e: Publish the names and photographs of offenders subject to an unpaid work requirement</i>	To provide for probation practitioners to take and publish photographs of those subject to the unpaid work requirement to increase the visibility of community payback, demonstrate to the public that justice is being delivered in communities and act as a deterrence for crime.
<i>Remand</i>	
<i>4a Amending the "no real prospect" test</i>	Following the presumption to suspend short sentences, to amend the "no real prospect" test in the Bail Act 1976 so that fewer exceptions to bail apply where the court considers an immediate custodial sentence unlikely. In addition, amending the Act so the court can impose an electronic monitoring requirement on defendants who would now be granted bail due to this change.
<i>4b Amending the statutory factors that may be relevant to bail</i>	To add to the list of factors currently included in the Bail Act 1976 which the court should take into account, where relevant, when deciding whether certain exceptions to the right to bail apply. The following are explicitly added as factors that the court should consider, amongst any others, as potentially relevant: the defendant is pregnant; the defendant is a primary caregiver; and the defendant has been a victim of domestic abuse.

## Option 0

50. Under the Do-Nothing option, no changes would be made to existing legislation. As a result of this prisons will reach zero capacity, and estimated projections indicate there will be a significant shortfall in places.<sup>10</sup>
51. Were we to run out of prison places, the justice system would no longer be able to function. As a result, there would be catastrophic consequences such as:
- Court trials no longer going ahead.
  - Police unable to make arrests.
  - Limited prisoner movements across the estate risking security issues.
  - Significant public protection risks arising from prisons not being able to receive prisoners, e.g. those recalled for Serious Further Offences, or who have committed other serious crimes.
  - A complete breakdown of law and order in the community, resulting in increased crime which would place extreme burdens on the police and other agencies.
52. Given the extreme and unpredictable nature of these consequences it is not possible to quantify the impact of avoiding them, and so this is assessed qualitatively.

## Option 1

53. Under this option, the legislative measures described in table 1 will be introduced and the consequences of Option 0 will be averted. While these measures will not increase the total number of offenders (and suspected offenders), the public will be better protected by making sure there is appropriate community supervision to rehabilitate offenders and ensure there are sufficient prison places for the most dangerous offenders.

## E. Cost & Benefit Analysis

54. This section of the IA summarises the main monetised and non-monetised impacts of the above legislative measures on individuals and groups in the UK. These impacts have been assessed using the procedures and criteria set out in the IA Guidance and is consistent with the HM Treasury Green Book.
55. Where possible, IAs identify both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society might be from the proposals under consideration. IAs place a strong focus on the monetisation of costs and benefits. There are often, however, important impacts which cannot sensibly be monetised. These might be impacts on certain groups of society or data privacy impacts, both positive and negative. Impacts in this IA are therefore interpreted broadly, to include both monetisable and non-monetisable costs and benefits, with due weight given to those that are not monetised.
56. The costs and benefits of each option are compared to option 0, the counterfactual or “do nothing” scenario. As the counterfactual is compared to itself, the costs and benefits are necessarily zero, as is its net present social value (NPSV). The counterfactual scenario represents policy on sentencing and offender management as it stands today which is different to the scenario at the time of the Independent Sentencing Review report. The Government has since taken forward a measure to mandate 28-day fixed term recall for eligible offenders serving sentences from one year to under four years (this policy is

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<sup>10</sup> Ministry of Justice – Annual Statement on Prison Capacity: 2024

assumed to reduce prison demand in the counterfactual, which results in a net reduction to the prison demand impact of the bill measures).<sup>11</sup>

57. The expected impacts of the legislative measures described above are summarised in tables 1 and 2 below.

Where necessary, and to make our estimates of the costs and benefits of each measure comparable, we have adopted the following conventions:

- All monetised costs and benefits are stated in 2025-26 prices;
- The Net Present Social Value (NPSV) of each measure has been calculated over a ten year appraisal period from the expected date measures will commence implementation (April 2026) using a 3.5 per cent discount rate;
- Where appropriate, optimism bias (OB) has been applied.
- Unless otherwise stated, the annualised costs or savings are those which would be achieved in 'steady state' (i.e. when a measure is fully in operation).

58. Demand for prison places has not been monetised as it is assumed this reduction will be offset by the forecasted growth in prison population meaning there is no change in the total number of people in prison as a result of these reforms, and therefore no monetised benefits for prisons.

59. As is normal practice in MoJ IAs, the impacts on offenders associated with upholding the sentence of the court are not included in the costs and benefits of each option.

60. All impacts presented are best estimates, and subject to a degree of uncertainty. In addition, many of the measures in the Bill apply to the same or similar cohort(s) of offenders, leading to interaction effects. While we have attempted to control for these effects, this complexity increases the uncertainty in the analysis.

## **Option 1: Legislate to introduce the measures in the Sentencing Bill**

### **Monetised Impacts**

61. Table 2 summarises the monetised impacts of the legislative measures in the Bill. Only those measures for which there are monetised costs or benefits are included in Table 2, with the non-monetised costs and benefits presented in later (in Table 4). Only costs which arise from primary legislative change have been monetised.

### *Probation*

62. Across all the Bill measures, the impact on Probation is estimated to lead to a modest increase in average annual costs of £4.5m. This is due to a combination of increased community caseloads through the greater use of suspended sentence orders which will be offset by changes to licence supervision and Post Sentence Supervision (PSS) as well as changes to administrative burdens.

63. There are likely to be further costs to Probation from expanding electronic monitoring and supporting enhanced supervision on licence (the Progression model). These costs have not been included in this Impact Assessment as primary legislation is not required, but costs of this expansion are being considered by the department as part of funding allocations. Any additional increase in probation staff is expected to be managed via further non-legislative

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<sup>11</sup> The Criminal Justice Act 2003 (Suitability for Fixed Term Recall) Order 2025 implemented 28-day fixed term recalls and removed standard recall for the majority of standard determinate offenders serving sentences of <4 years.



improvements and through departmental recruitment plans- with a commitment to onboard 1,300 trainee probation officers in 25/26.

### *Community Accommodation Services (CAS)*

64. Across all the Bill measures the impact on CAS is an expected increase in average annual costs of £17.8m. This is to enable quality supervision and reduced risk of reoffending whilst more offenders are supervised on licence.

### *Electronic Monitoring*

65. Across all measures, the monetised impact on electronic monitoring from the legislative measures in the Bill is an increase in average annual costs of £4.2m. Actual costs may vary depending on operational guidance and changes in practice to support high quality offender management in the community. There are likely to be further costs from expansion of Electronic Monitoring and supporting enhanced supervision on licence, but this is not included in this Impact Assessment as Primary Legislation is not required (costs of this expansion are being considered by the department as part of funding allocations).

**Table 2: Summary of Monetised Impacts, Best Estimates**

	<b>Costs</b>	<b>Benefits</b>	<b>10 Year NPSV</b>
<i>Sentencing</i>			
<i>1a: Presumption to suspend short sentences</i>	<p>This measure is expected to require an additional 580 probation FTE (430 PO&amp;PSOs) on average each year.</p> <p>Over the 10-year appraisal period the estimated average annual additional cost to HMPPS probation is estimated at £30.7m.</p> <p>The estimated average annual cost of this measure from increasing demand on electronic monitoring services is £1.4m.</p>	None	The 10 year net present social value of this measure is estimated to be - £268.2m.
<i>1b: Extension of Suspended Sentence Orders (SSOs) from 2 to 3 years</i>	<p>This measure is expected to require an additional 50 FTE (40 PO&amp;PSOs) on average each year.</p> <p>Over the 10 year appraisal period the estimated average annual additional cost to HMPPS probation is estimated at £2.8m<sup>12</sup>.</p> <p>The estimated average annual cost of this measure from</p>	None	The 10 year net present social value of this measure is estimated to be - £26.5m.

	increasing demand on electronic monitoring services is £0.4m.		
<b>Progression</b>			
<i>2a: Changes to Licence Supervision and PSS reform</i>	None	Expected to free up the equivalent of around 260 FTE per annum (200 Probation Officers & Probation Support Officers). This represents an annual benefit to Probation of £13.5m.	These changes are estimated to have a 10 year net present social value of +£116.2m.
<i>2c: Change in Standard Determinate Sentence (SDS) Release Point</i>	<p>The impact on probation practitioners is estimated to be an average of 210 FTE (160 Probation Officers &amp; Probation Support Officers). This represents an average annual cost over 10 years to Probation of £11.6m.</p> <p>There will also be additional costs to Community Accommodation Services, amounting to an average annual cost of around £15.3m.</p>	None	These changes are estimated to have a 10 year net present social value of -£229.8m
<i>2d: Recall</i>	<p>This will require fewer than 10 probation staff FTE on average each year.</p> <p>Over the 10-year appraisal period the average annual additional cost to HMPPS probation is estimated at £0.3m.</p> <p>There will also be additional costs to Community Accommodation Services due to an initial surge in demand, amounting to £11.2m in FY26/27.</p>	None	The 10 year net present social value of this measure is estimated to be - £14.2m.
<b>Probation</b>			
<i>3b: Removing 12 month delivery restriction for Unpaid Work</i>	None	The estimated annual average benefit of this measure is £1.5m (20 FTE pa), from reduced time by probation staff spent on caseload management and to HMCTS from reduced court hearings and	The 10 year net present social value of this measure is estimated to be +£12.9m

		reduced administrative staff time.	
<i>3c: Automatic termination of community orders and the supervision period of suspended sentence orders upon completion of the sentence plan</i>	None	The estimated annual average benefit of this measure from reduced time by probation staff spent on caseload management is £22.0m (600 FTE pa, of which 450 are Probation Officers & Probation Support Officers).	The 10 year net present social value of this measure is estimated to be +£186.6m
<i>3d: Reduction in Unpaid Work (UPW) hours to be offered as an incentive for good behaviour</i>	The estimated annual average cost of this measure is £0.1m (fewer than 5 probation staff FTE) due to rewriting guidance and communications, monitoring progress, and implementing the digital platform. Costs of creating the digital platform will be embedded in existing funding.	The estimated annual average benefit of this measure from reduced time by probation staff spent on caseload management is £6.1m (170 FTE pa).	The 10 year net present social value of this measure is estimated to be +£51.3m
<i>3e: Publication of names and photos</i>	The estimated annual average cost of this measure due to digital costs and increased time spent by probation staff is £2.1m (30 FTE pa).	None	The 10 year net present social value of this measure is estimated to be - £18.5m
<b>Remand</b>			
<i>4a: Amending the “no real prospect” test</i>	The estimated average annual cost of this measure from increasing demand on electronic monitoring services and CAS2 are £2.4m and £2.5m, respectively (£4.9m average annual cost for both parts).	None	The 10 year net present social value of this measure is -£42.5m.

## Non-Monetised Impacts

### Prison Places

66. Whilst these measures are expected to reduce demand for prison places. This has not been monetised as this reduction will be offset by the forecasted growth in prison population meaning there is no change in the total number of people in prison as a result of these reforms, and therefore no monetised benefits for prisons.
67. The Bill will enable a managed approach to future projected excess demand for prison places. It is expected the Bill will change the composition of offenders prioritised for prison places and ensure less serious offenders are managed effectively in the community to offer rehabilitation and public protection.

68. Table 3 shows how the measures in this Bill are estimated to impact demand for prison places. These impacts are different to those presented by the ISR<sup>13</sup> for two reasons: 1) they include further policy development such as exempting certain cohorts of offenders from some measures (e.g. where they are higher risk); and 2) they present the change in demand for prison places as compared to the current policy landscape (since the ISR, mandatory fixed term recall has been introduced for some offenders recalled from sentences of 1-4 years)<sup>14</sup>. The Sentencing Bill is estimated to reduce demand for prison places by 7,500.
69. The isolated prison place demand impacts for each of the Sentencing Bill measures cannot be added individually together to obtain an overall impact because the policies interact with each other (for example, the progression model will have a lower impact if there are fewer people in prison on sentences of 12 months or less because they have been diverted to Suspended Sentence Orders). The final row in table 3 shows what the estimated prison places impacts are of the combined measures once those interactions have been accounted for.

<b>Table 3: Best Estimates of Prison Place Impacts (scaled to 2025) of Prison Place Impacts (scaled to 2028)</b>	
<b>Policy Measure</b>	<b>Sentencing Bill <u>reduction in demand for prison places</u></b>
Sentencing	
1a Presumption to suspend short sentences	-1,800
1b Extension of Suspended Sentence Orders (SSOs) from 2 to 3 years	-1,200
Progression	
2c Change in Standard Determinate Sentence (SDS) Release Point	-3,600
2d Recall	-900
Remand	
4a Amending the “no real prospect” test	-700
<b>Total impacts (accounting for interactions so does not sum)</b>	<b>-7,500</b>

<sup>13</sup> [Independent Sentencing Review - Final report and proposals for reform](#)

<sup>14</sup> [The Criminal Justice Act 2003 \(Suitability for Fixed Term Recall\) Order 2025](#) implemented 28-day fixed term recalls and removed standard recall for the majority of standard determinate offenders serving sentences of <4 years.

## *The Police*

70. The Bill avoids the catastrophic collapse of the criminal justice system which would have significant costs to the police (and wider society). Instead, the Bill will enable a better approach to managing the future increased demand for prison places by ensuring there are sufficient prison places for the most dangerous offenders, and that less serious offenders are managed effectively in the community to offer rehabilitation and public protection.
71. The Bill measures include evidence-based mitigations to help Probation staff prioritise and target resources more efficiently which are expected to incentivise better behaviours, support rehabilitation and reduce re-offending. In addition, the measures the Bill is adopting are associated with lower reoffending rates. For example, similar offenders serving suspended sentence orders have a reoffending rate that is four percentage points lower than those given short custodial sentences.<sup>15</sup> In addition, electronic monitoring (whilst the tag is being worn) is associated with a 20% reduction in reoffending rates.<sup>16</sup>
72. Further work is underway to assess whether there will be other impacts on crime or wider police activity from Option 1 (these relate to the change in the composition of offenders in the community which may change police workload, incapacitation time, and increased number of defendants on bail and whether this is offset against some prisoners serving more time in prison following the repeal of Home Detention Curfew release for those serving Standard Determinate Sentences, or the increasing numbers of people still expected to be sent to prison in future years). Any additional costs that might arise as a result are expected to be significantly outweighed by avoiding the collapse of the criminal justice system.

## *Victims and Witnesses and the wider public*

73. Victims and witnesses of the offenders impacted by the Bill measures may consider an individual receiving an SSO instead of a short custodial sentence, or an earlier release to be an insufficient punishment. However, some protections have been put in place by the mitigations for exemptions such as exemptions for those who presented higher harm or have breached court orders; the greater transparency on how long an offender is expected to serve when given a custodial sentence; and by avoiding the alternative situation of the breakdown of the Criminal Justice System.

## *Eligible Offenders and Their Families*

74. Diverting more adults from short immediate custodial sentences to community-based orders will allow individuals to have their needs addressed in the community, with less disruption to their lives. This is expected to particularly benefit women for whom a larger proportion of sentences given each year are short disposals.
75. For example, a reduction in short sentences of immediate custody could result in more offenders being able to remain in their homes while they serve their sentence in the community. This will mean they would be better able to maintain their personal relationships and be able to continue any employment. Community based mental health and substance misuse treatment could greatly improve the lives of offenders and the families of offenders and reduce reoffending.

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<sup>15</sup> [The impact of short custodial sentences, community orders and suspended sentence orders on reoffending](#)

<sup>16</sup> [Assessing the effectiveness of Radio Frequency Electronic Monitoring for Community and Suspended Sentence Orders](#)

76. Local health services including mental health, substance misuse as well as local authority housing services may face increased costs from receiving increased referrals because of an increased number of offenders receiving support from probation services.
77. DWP may incur additional costs should some offenders access financial benefits earlier due to being released from prison earlier (this is an economic transfer, and the net economic impact is zero).

**Table 4: Summary of Non-monetised Impacts**

	Non-monetised Costs	Non-monetised Benefits
<i>Sentencing</i>		
<i>1a: Presumption to suspend short sentences</i>	<p>Changes may require transition costs such as new office space, IT and other implementation costs.</p> <p>Some victims may consider a suspended sentence to be an insufficient punishment compared to an immediate custodial sentence.</p> <p>The Sentencing Council will need to update its guidance to reflect the new sentencing framework. There may be familiarisation costs for judges and magistrates.</p> <p>There may be more hearings for breaches of SSOs which could incur additional costs for HMCTS and the LAA.</p> <p>Local Authorities provide services for offenders in the community such as community drug treatment facilities and social housing. These measures may increase demand for these services.</p> <p>It is possible that the need for pre-sentence reports will increase if the use of SSOs increases. This will have an additional workload pressure for probation staff.</p>	<p>This measure may reduce reoffending as suspended sentence orders have a proven lower reoffending rate than short sentences of immediate custody.</p> <p>There may also be benefits to offenders maintaining their housing, employment and personal relationships, which are all evidenced to reduce reoffending.</p> <p>Community based mental health and substance misuse treatment could greatly improve the lives of offenders their families and wider society.</p>

<i>1b: Extension of Suspended Sentence Orders (SSOs) from 2 to 3 years</i>	As 1a	As 1a
<i>1c Excluding EDS and SOPCs from being suspended.</i>	Minor updates to guidance may be required.	This measure may improve public confidence by ensuring that the public know that the most serious and dangerous offenders will always go to immediate custody rather than having their sentence suspended.
<i>1d: Extending Deferred Sentences from 6 to 12 months</i>	<p>The Sentencing Council and Probation will need to update their guidance to reflect the new maximum deferment period.</p> <p>We do not expect further non-monetised costs as deferred sentences will continue to be appropriate in limited circumstances.</p>	This measure may improve public confidence and result in the greater use of deferred sentences which could reduce demand for prison places.
<i>1e: Community Sentencing Requirements reform</i>	<p>The Sentencing Council will need to update its guidance to reflect these new requirements. There may be familiarisation costs for judges and magistrates.</p> <p>In addition to the non – monetised costs outlined above, probation guidance may need to be updated to reflect the new requirements.</p> <p>Other impacts on probation resource are expected to be small as this is expected to mainly affect those already under the supervision of the probation service. This could include adding more detail to pre-sentence reports, additional resource to manage breaches</p> <p>There may be a small increase in electronic monitoring where this is imposed alongside restriction zones.</p>	This measure may improve public confidence. The intention is that courts will be better able to tailor sentences so that they act as a meaningful punishment for individual offenders.
<i>1f: Changing the Powers of the Sentencing Council</i>	Whilst small administrative changes will be required, the cost of this will be negligible.	These measures may improve the public confidence in the Government's aim to reduce crime

<i>1g. Introducing judicial finding of domestic abuse</i>	There will be a small administrative burden on court staff, who will need to record the judicial finding.	and increase transparency of domestic abuse perpetrators.
<i>1h: Amending the statutory purposes of sentencing</i>	None	
<i>1i: Parole: repeal the measure in the Victims and Prisoners Act</i>	None	
<i>1j: Parole: enable the Secretary of State to refer Parole Board releases to the High Court</i>	None	
<i>1k: Income Reduction Orders</i>	Additional resource requirements could be required for HMCTS enforcement, including to planned IT software update. Negligible resource requirements for probation.	Greater public confidence that sentences served in a community setting are sufficiently punitive.
<b>Progression</b>		
<i>2a: Post Sentence Supervision (PSS) reform and changes to Licence supervision</i>	None	<p>Enables a greater focus of probation time towards where it will have the most impact on protecting the public i.e. higher risk individuals.</p> <p>Reduced reoffending from better targeting resources at the point of most rehabilitative benefit.</p> <p>Staff wellbeing from better matching workloads to staffing resources.</p>
<i>2b: Restrictive Licence Conditions</i>	Additional resource requirements for probation.	Better victim satisfaction.
<i>2c: Change in Standard Determinate Sentence (SDS) Release Point</i>	<p>As this option will release some offenders into the community earlier, there will likely be additional demand for services in the community such as substance misuse treatment and financial support and benefits.</p> <p>There may also be additional costs for the Electronic Monitoring Service dependent upon operational policy.</p>	Supporting reductions in crowded conditions may make prisons safer places for both prisoners and staff, with reduced risk of riots and improved living conditions. This should enable staff to operate better regimes, more focused on rehabilitation which could lead to a subsequent reduction in reoffending.



<i>2d: Recall</i>	<p>Additional costs may be required for the Electronic Monitoring Service dependent upon operational policy.</p> <p>Should some of the cohort of releases be recalled more frequently, it could lead to more recalls for the police service to arrest and return to custody and HMPPS staff involved in the administration of the recall process.</p> <p>Local health services including mental health, substance misuse as well as local authority housing services may receive increased referrals as a result of an increased number of offenders receiving support from probation services.</p> <p>DWP may incur additional costs should some offenders access financial benefits earlier due to being released from prison earlier.</p>	<p>Offenders who would otherwise be held in custody will have more support with reintegration to the community.</p> <p>Removing determinate recall cases from the Parole Board's caseload could lead to reduced backlogs and more timely case conclusions for offenders serving other parole-eligible sentences. The extent to which this will be realised will be dependent on Parole Board decisions and the future growth in the prison population.</p>
<i>2f: Early removal of prisoners liable to removal from United Kingdom</i>	Additional removals could incur costs. Further work is underway to estimate this.	There will be benefits from not holding these prisoners in custody for a minimum period (scale will depend on numbers removed earlier).
<i>2g: Repatriated Offenders Serving fixed term sentences for murder</i>	Some increased complexity for frontline teams doing sentence calculation.	Increased public confidence as those who received determinate sentences for murder will serve two thirds in prison, in line with extended determinate sentences. There will be some reduction in requirements for services in the community due to these offenders being kept in custody for longer.
<b>Probation</b>		
<i>3a: Replacing Rehabilitative Activity Requirements (RAR) with a Probation Requirement</i>	There may be some initial training costs as new processes are implemented.	The outcomes may include savings in court time, as well as probation supervision that better meet the needs of offenders, which in turn could lead to reduced re-offending and improved rehabilitation
<i>3b: Removing 12 month delivery restriction for Unpaid Work</i>	There will be costs to HMPPS from delivering additional unpaid work hours for a small cohort of offenders on SSOs,	Quicker completion of unpaid work hours; fewer community orders expiring with outstanding unpaid work hours.

	who may complete more hours prior to sentence expiry.	
<i>3c: Automatic termination of community orders and the supervision period of suspended sentence orders upon completion of the sentence plan</i>	There are potential costs with bringing forward delivery of some sentence requirements if individuals are incentivised to finish them sooner; possible implementation costs to improve consistency of delivery of sentence plans and supervision records. At present, there is limited evidence available to assess whether early revocation would have a measurable impact – positive or negative – on reoffending rates.;	<p>Court time savings for HMCTS driven by a reduction in revocation applications to the court due to probation practitioners being able to revoke sentences directly; and (potentially) from fewer sentence breach proceedings in court.</p> <p>Increased engagement with sentence requirements may lead to better rehabilitative outcomes including reduced re-offending, and reduced pressure on the Probation Service during their sentence and after revocation if improved behaviours to achieve early revocation are then sustained.</p>
<i>3d: Reduction in Unpaid Work (UPW) hours to be offered as an incentive for good behaviour</i>	There may be costs associated with bringing forward the delivery of some sentence requirements if individuals are incentivised to finish them sooner; possible implementation costs to improve consistency of delivery of sentence plans and supervision records.	<p>Court time savings for HMCTS driven by a reduction in revocation applications; and (potentially) from fewer sentence breach proceedings in court.</p> <p>Increased engagement with sentence requirements may lead to better rehabilitative outcomes including reduced re-offending, and reduced pressure on the Probation Service if improved behaviours to achieve early revocation are then sustained.</p>
<i>3e: Publication of names and photographs of those subject to an unpaid work requirement</i>	There may be costs associated with training probation staff to carry out the activity created by this measure. However, we expect this training to be embedded within existing training procedure so do not expect a significant associated cost.	The visibility of community payback will be increased, demonstrating to the public that justice is being delivered in communities. This may also act as a deterrence for crime.
<b>Remand</b>		
<i>4a: Amending the ‘no real prospect’ test</i>	<p>Pressures on the criminal justice system if those granted bail commit offences, fail to surrender to custody, interfere with witnesses or otherwise obstruct the course of justice, or breach their bail conditions.</p> <p>The Judicial Office and the CPS will need to update their guidance to reflect the</p>	<p>Capacity pressures eased in the reception estate where pressure are particularly acute. This may improve support and outcomes for other prisoners held on remand.</p> <p>Defendants who might otherwise have been remanded into custody can better maintain their housing, employment and personal</p>

	amended legislation. There may be familiarisation costs.	relationships which are associated with better reoffending outcomes.
<i>4b: Amending the statutory factors that may be relevant to bail</i>	None	Supporting appropriate outcomes for defendants who are pregnant, a primary caregiver, or have been a victim of domestic abuse where these factors are relevant to the question of whether to grant bail.

## F. Assumptions, Risks and Sensitivity Analysis

78. All of the above estimates are based on assumptions and are therefore subject to an element of risk. The key assumptions and risks/uncertainties are summarised in Table 5.

Table 5: Key Assumptions, risks and uncertainties

Main Assumptions	Risks / uncertainties
<b>Cross-Cutting Assumptions</b>	
As operational implementation plans are in development, for the purposes of this Impact Assessment, it has been provisionally assumed that this legislation will commence implementation in 2026.	<p>The final phasing of these measures could change assumed time to steady state and average annual costs. Any delay to the implementation of these measures will delay the impacts by an equal amount of time.</p> <p>Due to interaction effects, any amendments to individual measures introduced or their timing may impact the costs and benefits of other measures presented.</p>
<b>Prison Place Impacts</b>	
All reduction for prison demand from these measures is assumed to be filled by new offenders as the prison population is expected to grow in line with increasing supply. It is expected that the additional prison places being built by the government will be filled (for example, after these reforms it is expected there will be around 2,000 more people in prison by May 2029 compared to current levels). As such, it is assumed that there are no prison place savings from these measures.	Prison place impacts could change if actual prison growth is different to projections.
<b>Sentencing</b>	
<p><u>Measure 1a: Presumption to suspend short sentences</u> and <u>Measure 1b: Extension of Suspended Sentence Orders (SSOs) from 2 to 3 years</u></p> <p>Uses published sentencing data from June 2024, and a snapshot of the prison population as of December 2024 to estimate the impacts</p>	<p>Judicial discretion means there is a high level of uncertainty on estimated impacts. If fewer custodial sentences are diverted to suspended sentence orders than modelled scenarios, impacts will be different.</p> <p>Breach rates are highly uncertain. This assumption and the impact of concurrent</p>

<p>of the policies. Scenarios are modelled to estimate the impact of exemptions.</p> <p>Different breach scenarios have been modelled to reflect the uncertainty (between 15-50% for Measure 1a) and 20-40% for Measure 1b). Concurrent sentences have not been accounted for.</p>	<p>sentences means that the figures may be an overestimate of prison savings.</p>
<p><b>Progression model for Standard Determinate Sentences &amp; Recall</b></p>	
<p><u>Measure 2a: Changes to Licence Supervision and PSS reform</u> and <u>Measure 2c: Change in Standard Determinate Sentence (SDS)</u></p> <p><u>Release points</u></p> <p>Based on a snapshot of the current prison population and scaled for future expected projections. Matches the assumptions used by the Independent Sentencing Review on earned release. Actual policy is under development and release volumes could vary.</p> <p>Up-tariffing: It is assumed that sentencers may increase the length of some SDS sentences to provide a longer spell served in custody, and that a small proportion (between 0% and 5%) of SDS offenders formerly released at the two-thirds point would be sentenced to an Extended Determinate Sentence (EDS).</p> <p>It is assumed that HDC will be phased out under the progression model, and 33% is the earliest possible release point.</p> <p><u>Measure 2d: Recall</u></p> <p>Scenarios vary assumptions against current volumes of recalls in June to August 2024. It is assumed that:</p> <ul style="list-style-type: none"> <li>• The model is aligned with ISR recommendations on some recalls being diverted.</li> <li>• The overall average rate of re-recall for those moving from a standard recall to a fixed recall is 94%, ranging from 75%-115% (this is an average – some offenders will not be re-recalled and some will be recalled more than once)</li> </ul>	<p>If the proportion of offenders meeting earned release is different, the demand reduction impacts will vary</p> <p>If recalls increase under the progression model the prison demand reductions will fall.</p> <p>If the prison projection varies from projections, this could change impacts.</p>
<p><b>Probation Impacts and EM Costs</b></p>	
<p>The cost/benefit to probation is measured as the impact on FTE, monetised using staff salary costs. It includes Probation Practitioners (Probation Officers, Probation Support Officers, Senior Probation Officers)</p>	<p>Analysis of the probation caseload is based on a snapshot of the caseload at December 2024, which is scaled up to reflect the expected 2028 position. If the future cohort changes in composition, such as becoming riskier or experiencing higher breach rates,</p>

<p>and admin staff (Case Admins and Senior Administrative Officers).</p> <p>Where offenders remain on the Probation caseload but are no longer supervised 'reactive management' timings have been applied (which are lower).</p> <p>It is assumed that all the new SSOs are supervised and therefore all have supervision costs.</p> <p>It is assumed that 5.8% of the new SSOs require electronic monitoring, as per the 2024 Probation Statistics. Electronic monitoring unit cost is assumed to be approximately £3,600 and is inflated by Average Weekly Earnings (AWE) in future years. Primary Legislation is not required to implement the Lord Chancellor's presumption that offenders leaving prison under the Progression model are tagged and this will significantly add to costs of Electronic Monitoring which are out of scope of this Impact Assessment.</p>	<p>this could affect the accuracy of the final FTE estimates.</p> <p>The following cohorts were excluded from volumes for estimating the final stage of Progression; all MAPPA categories, very high and high risk of serious harm, National Security Division cases and those with a child protection flag.</p>
<p>Cost savings will scale proportionally with the forecast community caseload, including expected impacts of the measures in this bill on the SSO caseload.</p>	<p>An increase in the proportion of the community caseload with an unpaid work order will increase the cost savings of these measures.</p>
<p>Measure 3b will not introduce any new administrative activities for probation staff.</p>	<p>Cost savings may be over-estimated if new activities are introduced, or if any activities associated with the current application to extend process are kept.</p>
<p>On average, measure 3b will not lead to offenders completing more unpaid work hours, nor taking longer to complete their sentenced hours.</p>	<p>If this measure leads to offenders with unpaid work orders completing on average more of their sentenced hours over a longer period of time, this may reduce the monetised cost savings.</p>
<p>The discount in Unpaid work hours will not result in efficiency reductions.</p>	<p>Savings to hours delivered may lead to smaller group sizes rather than fewer sessions, mitigating cost savings- wider work to increase system efficiency will need to mitigate this risk.</p>
<p>Courts will continue to sentence offenders to the same level of unpaid work hours for a given offence.</p>	<p>Any change in average sentenced hours of unpaid work may mitigate staff time savings as well as potential reoffending benefits.</p>
<p>Community/Suspended Sentence Orders will be revoked when the final requirement ends (excluding Rehabilitative Activity Requirements), as this is the only feasible approach given available data.</p>	<p>In practice, early termination is conditional on completion of the full sentence plan, which may include non-requirement objectives (e.g. reducing alcohol use, addressing employment). Therefore, some orders may continue beyond the point at which all formal</p>

	court-ordered requirements are completed. This could lead to an overestimation of revocation volumes and associated benefits in the modelling.
There will not be a significant rate of non-compliance with the requirement to have one's photograph and name published if sentenced to an unpaid work order.	A higher rate of offender non-compliance may lead to higher costs if it requires additional time from staff.
Measure 3e will apply only to new unpaid work orders from the implementation date, whereas measures 3b, 3c, and 3d will apply to the whole unpaid work caseload from the implementation date.	
<b>Remand</b>	
<p>A proportion of those bailed under this policy will breach the conditions of their bail and subsequently be remanded in custody. Breach is assumed to occur at the halfway point of their time on bail, on average.</p> <p>Modelled scenarios on the proportions who breach bail are varied between 30% and 50% (best scenario is 40%).</p>	<p>Available data on bail breaches are unreliable so this assumption is scenario-based, in line with the SSO activation rate assumed in the presumption to suspend short sentences measure.</p> <p>The defendants to be bailed by this policy are assumed be more likely to breach their bail than existing bailees given that they would otherwise have been remanded.</p>
<p>The expansion of magistrates' sentencing powers to bestow sentences of up to and including 12 months (MSP12), in concert with the presumption to suspend short sentences effectively means that magistrates are unable to sentence to immediate custody, other than where exceptions to the duty to suspend apply. It is assumed the proportion of cases bailed at Magistrates courts will vary between 60% and 80% (best scenario is 70% for men, 75% for women).</p> <p>At Crown Court, a higher proportion of defendants are assumed to have a 'real prospect' of a custodial sentence. The volume bailed are assumed to vary between 0% and 30% (15% in best scenario for men, 20% for women).</p>	Whether or not a defendant is bailed will still come down to judicial discretion which is subject to uncertainty.

## Sensitivity Analysis

79. Sensitivity analysis has been performed for each monetised measure to illustrate how costs and benefits vary with changes to key assumptions. These are illustrated in table 6.

**Table 6: Sensitivity Analysis for Monetised costs and benefits of each measure**

Policy Measure		Low	Best estimate	High
<i>1a: Presumption to suspend short sentences</i>	Description	For sensitivity analysis, the assumptions for eligibility, exclusions and breach rates have been adjusted.		
	Average Annual Cost	£14.0m	£32.1m	£54.4m
	Average Annual Benefit	-	-	-
	NPSV	-£117.1m	-£268.2m	-£454.4m
<i>1b: Extension of Suspended Sentence Orders (SSOs) from 2 to 3 years</i>	Description	The assumptions on proportion of those currently getting 2-3 sentences which will be subject to a suspended sentence in the future have been varied, along with breach rates.		
	Average Annual Cost	£1.5m	£3.2m	£4.9m
	Average Annual Benefit	-	-	-
	NPSV	-£12.7m	-£26.5m	-£41.1m
<i>2a: Changes to Licence Supervision and PSS reform</i>	Description	Only a best scenario has been modelled for supervision changes for those on Licence/PSS, but a range is achieved when combined with those moving from prison to Licence.		
	Average Annual Cost	-		
	Average Annual Benefit	£13.5m		
	NPSV	+£116.2m		
<i>2c. Change in Standard Determinate Sentence (SDS) Release Point – Probation FTE</i>	Description	The low and high scenarios make different assumptions about the behaviour of both offenders and the judiciary.		
	Average Annual Cost	£7.1m	£11.6m	£15.2m
	Average Annual Benefit	£0m	£0m	£0m
	NPSV	-£60.2m	-£98.7m	-£129.0m

<i>2c. Change in Standard Determinate Sentence (SDS) Release Point - Community Accommodation Services</i>	Description	Only a central scenario has been modelled for increased demand for Community Accommodation Services		
	Average Annual Cost	£15.3m		
	Average Annual Benefit	-		
	NPSV	-£131.1m		
<i>2d: Recall</i>	Description	The low and high scenarios assume different levels of both recall and re-recall rates of eligible offenders.		
	Average Annual Cost	-	-£0.3m	-£2.4m
	Average Annual Benefit	£1.3m	-	-
	NPSV	-£0.4m	-£14.2m	-£32.1m
<i>3b: Removing 12 month delivery restriction for Unpaid Work</i>	Description	The low and high utilise lower and higher forecasts for probation community caseload; a larger benefit is associated with a higher caseload.		
	Average Annual Cost	-	-	-
	Average Annual Benefit	£1.1m	£1.5m	£2.1m
	NPSV	+£9.6m	+£12.9m	+£18.0m
<i>3c: Automatic termination of community orders and the supervision period of suspended sentence orders upon completion of the sentence plan</i>	Description	The low and high utilise lower and higher forecasts for probation community caseload; a larger benefit is associated with a higher caseload.		
	Average Annual Cost	-	-	-
	Average Annual Benefit	£19.4m	£22.0m	£26.3m
	NPSV	+£165.2m	+£186.6m	+£223.6m
<i>3d: Reduction in Unpaid Work (UPW) hours to be offered as an incentive for good behaviour</i>	Description	The low and high utilise lower and higher forecasts for probation community caseload; a larger benefit is associated with a higher caseload.		
	Average Annual Cost	£0.1m	£0.1m	£0.1m
	Average Annual Benefit	£4.4m	£6.1m	£7.4m



	NPSV	+£36.6m	+£51.3m	+£62.5m
<i>3e: Publication of names and photographs of those subject to an unpaid work requirement</i>	Description	The low and high utilise lower and higher forecasts for probation community caseload; a larger cost is associated with a higher caseload.		
	Average Annual Cost	£1.9m	£2.1m	£2.5m
	Average Annual Benefit	-	-	-
	NPSV	-£16.8m	-£18.5m	-£21.5m
<i>4a: Amending the “no real prospect” test</i>	Description	The low and high scenarios assume a lower/greater proportion of individuals will be bailed in the magistrates and Crown Courts; the assumptions are detailed in Table 5.		
	Average Annual Cost	£0.9m	£4.9m	£14.5m
	Average Annual Benefit	-	-	-
	NPSV	-£7.6m	-£42.5m	-£125.1m

## G. Wider Impacts

### Better Regulation

80. The legislative measures in this IA are not within the scope of the government’s better regulation agenda.

### Public Sector Equality Duty

81. Equality Impact Assessments for each of the legislative measures in this IA have been published alongside this IA.

### Environmental Impacts

82. The legislative measures in this bill are not expected to have any environmental impacts.

### Economic Growth

83. The Sentencing Bill will not have a direct impact on economic growth. However, it reinforces the rule of law which provides the legal certainty and institutional stability essential for economic growth.

### Health impact

84. More offenders will be diverted from short custodial sentences to suspended sentence orders, so there will be more people in the community who would have otherwise required treatment in prison to support their mental health and/or substance misuse needs. Delivering treatment in prison is often more costly than delivering it in the community. By

diverting someone from prison, we are not increasing the number of people who need treatment but are changing the setting in which they receive it.

## **H. Monitoring & Evaluation**

85. Monitoring will be undertaken and published via regular statistical publications. The department is currently considering whether any further evaluation will be required.