

IPP Licence Termination Referrals

PRACTICE UPDATE

September 2025

This Practice Update provides members with best practice and policy advice when considering IPP licence terminations. We have reviewed the practice queries and other issues that have arisen since the changes in legislation in February 2025 and have set out the key points below.

This Practice Update replaces the Practice Reminder issued in April 2025.

COMMUNITY CASES

Panels considering a “standalone” referral for termination of an IPP licence for an individual *in the community* should bear the following in mind:

IPP Progression Panel

It is currently an HMPPS policy requirement for HMPPS to hold an IPP Progression Panel to discuss the individual’s suitability for licence termination prior to a report being completed by the Community Offender Manager (COM). The IPP Progression Panel should also explore eligibility for suspension of supervision.

If it is unclear whether an IPP Progression Panel has taken place, the panel may wish to adjourn and issue a direction to seek clarification. If the COM report has been written without the benefit of an IPP Progression Panel but is of sufficient quality and contains enough information to make a decision, the panel can avoid an adjournment and proceed to conclude the review. The IPP Progression Panel discussion is a requirement on HMPPS, not the panel. It is not necessary for a panel to wait for this if they can make a decision on the evidence they already have.

HMPPS has recently published a [Progression Panels for Indeterminate Sentences Policy Framework](#) which sets out the process that HMPPS practitioners should follow.

The Referral

The Secretary of State must refer all cases for consideration of termination of their licence to the Board where:

- The three-year qualifying period has elapsed since their original release for those subject to IPP licence (irrespective of any recall)
- The two-year qualifying period has elapsed since their original release for those subject to DPP licence (irrespective of any recall)



The referral will state:

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.

The following paragraph will also be included if the individual has completed three years of continuous trouble-free resettlement and good behaviour **in the community**, as this is a current eligibility requirement for suspension of supervision under HMPPS policy.

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

Where a panel is not minded to terminate the licence, they can consider varying it as needed i.e., add, amend, or revoke conditions under section 31(3) of the 1997 Act. Panels are empowered to do so by rule 31(6), which states:

31(6) Where a panel considers the reference on the papers or at a hearing, it must decide to—

- 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)*

The panel is therefore required to consider:

- a) Whether the licence is to be terminated and, if not,
- b) Consider if the licence should be varied

Panels should only consider suspending supervisory elements where the referral specifically asks about it. Suspension of supervision is different to a variation of licence, as it effectively cancels active supervision, and in these cases, it is important that the individual meets the eligibility set out in the HMPPS policy. If a panel is considering suspending supervisory elements for a case where the referral has not asked about it, they should, in the first instance, direct PPCS to advise about feasibility.

The IPP Progression Panel (which is a requirement under current HMPPS policy) should have discussed both the termination and eligibility for suspension of supervision (even where they are supporting termination) and recommendations should be set out in the COM report. If the COM report does not address these points, the panel might wish to direct an update to address the gap in evidence.

Test for IPP Licence Terminations



The test to be applied for “standalone” IPP licence termination decisions is set out on the decision template and in guidance:

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

The panel should **not** reference the Codified Public Protection Test (CPPT) when making a “standalone” IPP licence termination decision (i.e., for an individual in the community) as this is not the correct test that needs to be applied.

This is because the CPPT only applies to public protection decisions about individuals *in prison*, i.e. decisions about release. The CPPT should not be applied to “standalone” termination decisions where the panel is not considering release as the individual is already *in the community*.

Presumption of Termination

The Victims and Prisoners Act 2024, which amended the Crime (Sentences) Act 1997, includes a clear statutory presumption that the Parole Board must terminate the licence at the end of the qualifying period, unless they are satisfied that it is necessary for the protection of the public that the licence remains in force. **The starting point for a panel is a presumption of termination.**

The panel must demonstrate in the written decision that the presumption has been applied. Where applicable, the written decision should set out why, despite the presumption, the application to direct termination has been declined on public protection grounds. This may be simply because the test for termination has not been met.

A statement along the following lines is recommended to be included in the decision:

“In coming to its decision, the panel has taken account of the clear statutory presumption set out in section 31A(4) of the Crime (Sentences) Act 1997 that the Parole Board must terminate the licence at the end of the qualifying period, unless they are satisfied that it is necessary for the protection of the public that the licence remains in force. The following reasons set out the panel’s decision.”

Failure to demonstrate the application of the presumption in the written decision could lead to the decision being successfully challenged.

RECALL CASES

Panels considering an individual serving an IPP sentence *who has been recalled to custody* should bear the following in mind:

IPP Progression Panel



Progression panels should take place in custody for individuals serving an IPP sentence who have been recalled to prison. This should happen within 28 days of being returned to custody.

However, this policy requirement will be implemented from October 2025 and there will therefore be cases where the IPP Progression Panel has not met ahead of the submission of the Part B Recall Report.

Many in the IPP cohort have complex needs, are considerably over-tariff, and are disengaged with their sentence plans. **Progression panels are key** to ensuring that these recalled individuals have and maintain a clear and appropriate pathway for their progression towards a prospective safe re-release. As part of the discussions, the possibility of unconditional re-release should be addressed **for eligible cases**.

If it is unclear whether an IPP Progression Panel has taken place, the panel may wish to adjourn and issue a direction to seek clarification. If the COM report has been written without the benefit of an IPP Progression Panel but is of sufficient quality and contains enough information to make a decision, the panel can avoid an adjournment and proceed to conclude the review. The IPP Progression Panel discussion is a requirement on HMPPS, not the panel. It is not necessary for a panel to wait for this if they can make a decision on the evidence they already have.

HMPPS has published a [Progression Panels for Indeterminate Sentences Policy Framework](#) which sets out the process that HMPPS practitioners should follow.

The Referral

Where an individual has been returned to custody, the referral will request 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.

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.

It is **important** to note that the second paragraph will be included in all indeterminate recall referrals. Panels will need to carefully check eligibility for unconditional re-release where they are reviewing an individual serving an IPP sentence.



Panels must only consider unconditional re-release where the individual is serving an IPP sentence and meets the eligibility criteria. The initial release date is **critical** in determining this, that is:

- Three-year has elapsed since initial release for those subject to IPP licence (irrespective of any recall)
- Two-year has elapsed since initial release for those subject to DPP licence (irrespective of any recall)

A further point to bear in mind is that an individual may become eligible for consideration of termination of their IPP licence part way through the parole review. It is recommended that panels check the date at which the individual will reach the qualifying period. If the qualifying period is reached before the review is concluded the panel may wish to seek advice from the case manager as the option to re-release unconditionally will now be available.

The referral will **not** ask the panel to consider suspension of supervision or varying any other part of a licence as, following recall, the licence **no longer exists**.

Where a panel is considering directing re-release on licence, they will be recommending a **completely new licence** which may, or may not, include supervisory elements. As there is no active licence, neither the IPP Progression Panel nor the COM will express a view about suspending supervision. The COM report will include recommendations on licence conditions that are necessary and proportionate which may include supervisory elements, which the panel must consider. Panels should not issue directions seeking a view about suspension of supervision. **However, they can seek additional information or views about the conditions that are considered necessary and proportionate to manage risk should the prisoner be re-released on licence.**

Risk Assessed Recall Review (RARR)

It should be noted that following the referral to the Board, the Secretary of State may re-release the individual under Risk Assessed Recall Review (RARR) powers. Where this happens, the referral will be withdrawn.

Where an individual is re-released by the Secretary of State following RARR and is eligible for the initial consideration of termination at the two/three-year period (depending on whether they are subject to a DPP or IPP Licence), PPCS will refer the case to the Board to consider termination separately. This will follow the processes set out in the Community Cases section above.

Where an individual is re-released by the Secretary of State following RARR and has already had the initial termination review at the two/three-year period (depending on whether they are subject to a DPP or IPP Licence), there will be no further consideration of termination, and the case will not be referred the Board.



Tests to be applied

The panel will first need to determine whether the Codified Public Protection Test (CPPT) is met, and the prisoner can be re-released. If the CPPT is met, the panel will need to go on to determine whether the re-release should be unconditional or on 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 individual is released. 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 if any of these conditions are breached.

Presumption of Termination

The statutory presumption of termination introduced through the Victims and Prisoners Act 2024 which amended the Crime (Sentences) Act 1997, applies equally to those individuals back in custody. **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 CPPT to be met which must remain the first consideration. If the CCPT is not met, then this is enough to displace the presumption of re-releasing unconditionally, although the panel may also have other reasons.

The critical point for the panel is to be satisfied that there are no residual concerns about public safety if re-releasing unconditionally. If there are concerns that require licence conditions relevant to the IPP sentence to be in place to manage risk upon release, then unconditional re-release should not be directed.

In summary, the panel will need to determine:

- (1) Whether to re-release
- (2) If so, whether a licence is necessary, and
- (3) If so, what the conditions of that licence should be

A statement along the following lines is recommended to be included in the decision:

"In coming to its decision, the panel has taken account of the clear statutory presumption set out in section 31A (4F) of the Crime (Sentences) Act 1997, that the Parole Board must re-release the prisoner unconditionally unless they are satisfied that it is necessary for the protection of the public that the prisoner be re-released on licence. The following reasons set out the panel's decision."



Failure to demonstrate the application of the presumption in the written decision could lead to the decision being successfully challenged.

If the panel decides that the recalled individual is not to be re-released into the community, there is nothing to be considered in terms of a licence. 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.

Other points

Individual also Serving a Life Sentence

Any individual **also serving a life sentence is not eligible to have their IPP licence terminated at any point**. If you receive a referral for a case where the individual is also serving a life sentence, please return it to the Secretariat. This will then be raised with PPCS as a query.

Individuals in custody but not recalled on the IPP licence

There may be occasions where an individual on an IPP licence has been convicted of a further offence and is now serving another sentence in prison but was **not** recalled on the IPP licence. Whilst very rare, this can happen. In such circumstances, the individual is still eligible for an IPP licence termination review, and a referral will be made. **It should be treated as a “standalone” referral as the panel is only considering the termination of the IPP licence.**

Legacy Case

There are still a significant number of **legacy cases in the system** i.e. those cases where separate referrals for both the review of recall and the termination of the licence were submitted prior to 1 February 2025. These should have been “combined” and an amended referral covering both aspects submitted. In these cases, the panel should be considering the review of recall and whether the CPPT is met. Where the CPPT is met, the panel needs to consider whether re-release is unconditional or on licence. There is no provision to consider terminating a licence as no licence exists.

The Board should no longer receive two separate referrals now that the transition period has concluded. The legislation does not permit a referral for a licence termination to be issued by the Secretary of State where the individual has been recalled to prison on the IPP licence. The Victims and Prisoners Act 2024 amended Section 31A(4D) of the Crime (Sentences) Act 1997 which states:

The reference under subsection (3) must not be made, and a reference under that subsection must not be determined by the Parole Board under subsection (4), if at the time the reference or determination would otherwise be made the prisoner is in prison having been recalled under section 32.



Where an individual who meets the eligibility criteria for consideration of terminating their IPP licence has been recalled to prison on that licence, there should only be one referral which is for the consideration of re-release and whether that re-release (if the CPPT is met) would either be on licence or unconditionally.

There may only be two scenarios where two referrals might still be made:

1. If, for whatever reason, PPCS has missed the fact that a recalled individual would have been eligible for termination if they had not been recalled. *In this scenario PPCS should issue an amended referral for the recall.*
2. A licence termination referral was made whilst in the community but the individual was recalled before the termination case was concluded. *In this scenario, PPCS should withdraw the termination referral as there is no longer a licence to terminate and then make a referral for the review of recall, which will ask the panel to consider whether a re-release would be on licence or unconditionally.*

Osborn

Panels should continue to follow the current advice regarding **Osborn** until further notice:

In paragraph 2(i) of the judgment in *Osborn*, giving the basis of the UK Supreme Court's decision, it 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. Where the referral is confined to the question of licence termination, *Osborn* principles do not apply.

Further information about IPP licence termination can be found in the [IPP Guidance](#).

If you have any questions about this message, please contact legal&practicequeries@paroleboard.gov.uk.

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