



# Terminating your IPP licence: a legal guide

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**PRISONERS' ADVICE SERVICE**

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS

## Index

About this guide	3
IPP sentences – how they work	3
What does ‘termination’ mean?	4
When can my licence be terminated and who makes this decision?	4
Licence termination reviews: the practicalities	8
1) Calculate the date you are eligible	8
2) Speak with probation	8
3) Instruct a solicitor	8
4) Referral by the PPCS	9
5) Prepare personal representations	10
6) The review by the Parole Board	11
7) The Parole Board decision	12
8) Reconsideration Mechanism	13
9) After termination	14
Automatic termination, or the ‘sunset clause’: the practicalities	15
FAQs	16
Other changes for IPPs	18
Where can I go for further information?	18
Contributors to this guide	20

## About this guide

This is a practical “how-to” guide for people serving IPP (Imprisonment for Public Protection) and DPP (Detention for Public Protection, handed out to under-18s) sentences, explaining when and how you can get your licence terminated.

The guide explains changes introduced by the Victims and Prisoners Act 2024. **The information in this guide is correct as of 6 September 2024.**

This guide is not a replacement for legal advice. Everyone going through a licence termination review is entitled to legal representation and should take this up (see page 8).

NOTE: The term ‘IPP sentences’ in this guide also refers to DPP sentences, unless stated otherwise.

This guide uses case studies to give examples of how the process may work. These case studies are made up. They explain possible situations and outcomes.

**THE CHANGES DISCUSSED IN THIS GUIDE COME INTO FORCE IN TWO PHASES, ON DIFFERENT DATES.**

**PHASE ONE - 1 NOVEMBER 2024 - Auto-termination, Parole Board test, executive release**

**PHASE TWO - 1 FEBRUARY 2025 - Qualifying period for Parole Board review**

## IPP sentences - how they work

There were 8,711 IPP and DPP sentences imposed between 2005, when the sentence was first given, and 2012, when it was abolished. Abolishing the sentence meant that no new IPP sentences could be given, but everyone already sentenced remains on an IPP sentence until they are released and their licence is terminated.

Having an IPP sentence means:

- Serving a tariff or minimum term in custody before applying to the Parole Board for release.
- Once released:
  - being on an indeterminate licence, under supervision by probation and at risk of recall to custody for breach of any of your licence conditions, and
  - being able to apply for licence conditions to be varied or suspended by the Parole Board.

Unlike other indeterminate sentences, the IPP licence can be **terminated**.

## What does 'termination' mean?

If your IPP licence is terminated, you are no longer serving an IPP sentence. All of the conditions related to that licence are removed and you cannot be recalled to prison on that IPP sentence. For example, you would come off tag, no longer have contact restrictions, exclusion zones or supervision by probation, and none of these could ever be re-imposed.

However, if you had another conviction, it would be handled separately and you could have conditions, and potentially be recalled on licence, on that other sentence.

## When can my licence be terminated and who makes this decision?

In May 2024, changes to the law on how IPP licences can be terminated were approved by Parliament in the Victims and Prisoners Act 2024. **These changes come into force in two different phases.**

The first phase in November 2024 will require very little resources, whereas the second phase in February 2025 will require additional work by probation and the Parole Board. Presumably the dates for commencement have been set with that in mind.

### Phase 1

The first change, coming in on **1 November 2024**, is the introduction of an automatic termination of the licence. This is sometimes known as the 'sunset clause'.

From 1 November 2024 it will apply in the following circumstances:

- You must have been on licence continuously for two years after the end of your qualifying period, which is two years from your first release if you are on a DPP sentence and three years from your first release if you are on an IPP sentence.
- If there is a break in your licence, for example you are recalled or unlawfully at large, the clock will reset. The two years will start from your next release from prison.
- The only exception to this is if the Secretary of State decides it is in the interests of justice to treat the licence as if it remained in force, so that there is no interruption to the two-year period. In other words, the two-year period will not need to re-start from your re-release from recall. This power will be known as 'disapplying a recall'. There are not yet any details on how this policy will apply.
- Alternatively, if the Parole Board is considering your re-release after recall, it can direct your release into the community without a licence, in effect terminating your licence. This is called 'unconditional release'.

This means that on 1 November 2024, if it has already been at least four years since your first release as a person serving a DPP sentence, and your licence has been in force continuously for the last two years, your licence will end immediately.

Similarly, if it has already been at least five years since your first release as a person serving an IPP sentence, and your licence has been in force continuously for the last two years, your licence will end immediately.

It is estimated that approximately 1800 people will immediately meet the threshold for auto-termination, or the 'sunset clause', on the 1 November 2024.

More detail will be available in the 'Supervision of Indeterminate Sentences Policy Framework'.

## **Phase 2**

The second change, coming in from **1 February 2025**, will enable people who have not had their licence reviewed by the Parole Board, and who are not yet eligible for automatic termination, to have an earlier one-off licence termination review.

- If you are serving an IPP sentence, you will be referred to the Parole Board for a termination review three years after your first release.
- If you are serving a DPP sentence, you will be referred to the Parole Board for a termination review two years after your first release.

The review will happen even if you have been recalled in that three (or two) year period, unless you are still in prison at the point of review, or have had a review previously.

This means, on 1 February 2025, if it is at least two years, but under four years, since your first release as a person serving a DPP sentence, you will be immediately eligible for a licence termination review by the Parole Board.

Similarly, if it is at least three years but under five years since your first release, as a person serving an IPP sentence, you will be immediately eligible for a licence termination review by the Parole Board.

It is estimated that approximately 600 people will be immediately eligible for a Parole Board licence termination review on the 1 February 2025.



### **Case study: Automatic termination**

*Ben is an IPP prisoner. He has a review by the Parole Board following completion of his qualifying period of three years. The Parole Board refuses to terminate the licence because he has not completed any further work while on licence. During the next two years, Ben has still not completed any further work, but he has not been recalled. His licence is automatically terminated at that point as five years have passed since his initial release with the last two continuous on licence.*

*Ellis is a DPP prisoner. He has a review by the Parole Board following completion of his qualifying period of two years under the new law. The Parole Board refuses to terminate the licence because he does not have a permanent settled address and is unable to find work. During the next two years after the review, Ellis remains in the community having found himself stable accommodation. His licence is automatically terminated as four years has passed since his initial release with the last two continuous on licence.*



### **Case study: The clock resets**

*Charlie is an IPP prisoner. After three years on licence, he has a review of his licence by the Parole Board, but it is refused. The following year, after a breach of his licence, he is recalled to prison. At his parole review nine months later Charlie is released, resetting the time needed on licence for automatic termination. Charlie spends the next two years continuously on licence and his licence is automatically terminated, five years and nine months after his initial release and two years after his most recent release.*



### **Case study: SSJ discretion**

*Ellie is an IPP prisoner. The Parole Board reviews her licence after her qualifying period of three years. It refuses to terminate the licence but agrees to vary it, suspending all conditions except for one. Three months later, Ellie is arrested for a possible further offence and remanded to custody. The further matter falls away and Ellie is re-released by the Parole Board at her review six months after her recall, which resets the time required for the sunset clause. However, the Secretary of State agrees to disregard her recall for the purpose of her period on licence, so the clock continues from her initial release not her later re-release. She remains on licence in the community for the next 18 months and as two years have now passed since the end of the qualifying period, her licence is automatically terminated five years since her initial release.*



### **Case study: Unconditional release**

*Darren is an IPP prisoner. He was first released three-and-a-half years ago. He has a review of his licence after three years by the Parole Board, but it is refused. A year later, he is recalled back to custody for a breach of his licence. At his oral hearing some months later, the Parole Board consider Darren's recall and licence and concludes that his risk does not require ongoing detention, or a further period of licence, and he is granted unconditional release. This means he returns to the community with his licence terminated. He is no longer under his IPP sentence.*



### **Case study: Release more than five years ago**

*Ahmed is an IPP prisoner. He was first released more than 10 years ago and has been in the community ever since. He had a termination review shortly before the new law came into force. It was refused by the Parole Board, and he was waiting for an annual review. When the new law comes into force his licence is automatically terminated as his qualifying period (three years) has passed and he has spent the last two years in the community on licence continuously.*

*Poppy is an IPP prisoner. She was first released six years ago but was returned to custody at the beginning of 2024 for further allegations. She received a caution and was re-released at her parole review in July 2024. Despite already being beyond the sunset clause period, as she was returned to custody in this time her licence will not be terminated until she has spent two years on licence continuously.*

# Licence termination reviews - the practicalities

## 1. Calculate the date you are eligible

Use the information in the section above to calculate when you will have completed your qualifying period. Start thinking about the review six months in advance so you can instruct a solicitor and get your supporting evidence in order.



### **Case study: IPP**

*Peter is an IPP prisoner. He was released on 1 January 2023. He will be eligible for a review from 1 January 2026 and should look to instruct a solicitor in July 2025.*



### **Case study: DPP**

*Darren is a DPP prisoner. He is due for release on 1 July 2025. He will be eligible for a review from 1 July 2027 and should make enquiries with a solicitor around January 2027.*

## 2. Speak with probation

Talk to your probation officer in advance of completing your qualifying period. They may have some suggestions of what you can do to increase the chances of your licence being terminated. This might include getting some of your conditions varied or suspended before you are eligible for termination to demonstrate your progress.

Probation will be asked to write a report for the Parole Board, including a recommendation about whether they think your licence should be terminated. It is important that your probation officer is up to date on your current situation and progress to inform the report. Ask them when their report will be completed to get an idea on timing and keep up a good relationship with them in the meantime!

## 3. Instruct a solicitor

Only about 25% of those currently going through a licence termination review are represented. Everyone is entitled to legal representation, it can make a big difference to the preparation of your review and means someone can advocate on your behalf to the Parole Board.



You may want to ask the lawyer who represented you with your parole application to help you because they will know the background to your case. If you don't have a lawyer or want a different one, you can try:

- [Association of Prison Lawyers](#).
- [Directory of Legal Aid Providers](#).
- Looking in the [Inside Time](#) newspaper.

Legal aid is available to cover the cost of the legal representation if:

- You are on a passported benefit, OR
- Your disposable income is not more than £99 per week and your capital, or savings, is no more than £1000 (capital limits are different if you have dependents).

See full eligibility for legal aid [here](#). You will need to provide evidence of your financial situation to your lawyer.

If you are not eligible for legal aid, you can speak to a lawyer about doing the work for a fixed price that you agree in advance.

#### **4. Referral by the PPCS**

PPCS stands for the Public Protection Casework Section. They are responsible for starting the review process on behalf of the Secretary of State, just like for parole.

The PPCS must notify the Probation Service of your case two months before you become eligible for a review.

See paragraph 3.5 of the [Managing Parole Eligible Offenders on Licence Policy Framework](#) for more detail on the review process.

The PPCS will create a dossier of paperwork for the Parole Board to consider. The dossier should include:

1. Date of your initial release.
2. Previous release decisions, if you have any recalls.
3. Release licence.
4. Any post-release licence variation requests and outcomes.
5. Licence termination application form.
6. Report and recommendation from probation – due within 28 days of being asked by the PPCS – this can and **should be chased** if it is not ready in time.
7. Possible report from police.
8. Current location, if back in custody, and any other sentences being served.
9. The previous parole dossier, if back in custody.
10. Your representations (see section five).

The PPCS will also contact the victim or victim's family to see if they wish to include views in the dossier in a victim personal statement.

Your lawyer may need to ask PPCS for a full copy of the dossier.

## 5. Prepare personal representations

Ideally, you should instruct a lawyer to prepare and submit written representations and supporting evidence to the PPCS on your behalf, to demonstrate your progress since initial release. If you are not able to get a lawyer, you can prepare these representations yourself. You should include:

- A personal statement with your thoughts, feelings, and outlook on your offence and licence.
- Evidence of any education, training, work or voluntary placements completed.
- Evidence of your networks of support, including emails and letters from family members, friends, employers, educational establishments etc.

You have only seven days to provide representations to the PPCS after the probation report has been received, which is why you and your lawyer should be preparing your contribution well in advance of your eligibility. You or your lawyer can ask for your review to be put back, or deferred, if you need more time to put your best case forward.



### **Case study: Zein**

*Zein is an IPP prisoner. He will complete the qualifying period on licence on 1 December 2025. The PPCS will start the process on 1 October 2025 by collating paperwork and notifying probation. Probation's report will be due 28 days later, on 29 October 2025. Zein's representations will be due seven days later, on 5 November 2025.*

*Zein should contact a lawyer around June 2025, six months before completing his qualifying period, in order to get funding in place, give instructions about his progress and start collecting evidence like letters from employers, landlords, friends and family.*

## 6. The review by the Parole Board

The Parole Board guidance says that a panel should consider a referral within 14 days of receiving your completed dossier. However, currently it is taking six to eight weeks from referral to the Board<sup>1</sup> for a decision to be reached.

The Parole Board can make a decision from looking at your dossier ('a paper review'), or direct that your review should be decided at an oral hearing.

The Parole Board will consider:

- Your progress on licence, summarising key events since release and any areas of concern or progress, including work in the community to address risk factors and meeting sentence planning objectives.
- Your current circumstances, including stability of lifestyle, accommodation, employment, and relationships.
- Details of any recalls.
- Applications to vary licence conditions.
- The frequency and nature of your contact with probation and how this has changed over the course of your licence and how well you have engaged with supervision.
- What agencies and support networks you have in the community.
- Current or last known risk of serious harm category.
- Current or last known MAPPA level.
- Any bespoke licence conditions still in place.
- Recommendations from probation and other information to support their view.

### *The test for termination*

The Victims and Prisoners Act changed the test for termination so that the default position, or presumption, is that the licence will be terminated unless the Parole Board considers that licence conditions remain necessary to protect the public. **This change is in force for all reviews taking place after 1 November 2024.**

This means that when the Parole Board looks at termination referrals, the starting point will be termination, but if the Parole Board thinks the licence is required for public protection, it must direct that the licence should remain.

<sup>1</sup> Faith Geary, the Parole Board, July 2024

## 7. The Parole Board decision

The Parole Board can make one of the following decisions:

1. To terminate your licence – all of your licence conditions will be cancelled and cannot be brought back. You cannot be recalled on that sentence. You are no longer serving an IPP sentence.
2. To amend your licence – your licence remains in place but some of the conditions on your licence could be changed or suspended.
3. To dismiss the referral – there is no change to your licence and it will remain in place until further notice. In this case your licence will not be reviewed again by the Parole Board, but it will be automatically cancelled if you later meet the conditions for the sunset clause described above.

The Parole Board must give written reasons for whatever decision it reaches.

A victim can request a summary of the Parole Board's decision.

Any decision will be provisional for 21 days and will only become final if no application is made for it to be “reconsidered” – see further detail below on the reconsideration mechanism.



### **Case study:**

*John is an IPP prisoner. He has a review by the Parole Board following completion of his qualifying period of three years. The Parole Board refuse the referral and do not terminate the licence because there has been some intelligence received by the police, but this has not resulted in any further arrest or charge. There will be no further reviews by the Parole Board. After another two years complying with supervision, his licence will be automatically terminated five years after his initial release.*

## **8. Reconsideration mechanism**

The Parole Board's decision to terminate your licence, or to refuse the termination, is provisional for 21 days before becoming final.

During this time, you or the Secretary of State can apply to have the decision of the Parole Board reconsidered under Rule 28 of the Parole Board Rules 2019, if the decision was irrational and/or procedurally unfair.

For example, you may have been refused but think that relevant information was not considered by the Parole Board. Or, you have had a positive decision to terminate your licence, but the Secretary of State thinks it was not the right decision.

Your lawyer can continue to represent you with this and there is a guide with further information on reconsideration on the [Parole Board website](#). The Parole Board will consider the request and either direct that the decision is taken again, or that the original decision remains. It is unusual for a decision to change.

If neither you nor the Secretary of State apply for the decision to be reconsidered within 21 days, the decision of the Parole Board becomes final. You will receive a letter from the Secretary of State with the outcome.

A termination decision cannot be "set aside" once it is final.

## 9. After termination

A licence termination letter looks like the example below.



Once your licence has been terminated, Probation should inform all other agencies that were involved in your management in the community that you are no longer on licence. The VLO may also be informed that your licence has been terminated so that they can advise any victims.

You can speak to probation about any further contact or support you may wish to continue with after your licence has been terminated, to see whether it is possible.

Notification requirements for the sex offenders' register remain unchanged by licence termination. Similarly your duty to disclose previous convictions is unchanged even after your licence is terminated.

## Automatic termination, or 'the sunset clause' - the practicalities

No dossier will be prepared for automatic termination of your licence, and you do not need to instruct a lawyer to put together representations, or evidence your progress. Once the eligible period for automatic termination has passed – see section called 'auto termination or sunset clause' to work out when this will be for you – the licence will simply end on that date.

**You should continue to follow all your conditions until probation has confirmed with you that your licence has been cancelled.**

You will get a letter from the PPCS to confirm your licence is terminated. Your licence terminates on the qualifying date, not on the day you receive the termination order, so you cannot be recalled once the qualifying date has been passed, even if the notification order has not yet arrived in the post.

## FAQs

**I have reached my eligibility date for review but have not heard anything.**

If you are within two months of your eligibility date, or your eligibility date has already passed and you have not heard from the PPCS or your probation officer, you should contact probation to raise a query.

You could also try contacting the Parole Board at [info@paroleboard.gov.uk](mailto:info@paroleboard.gov.uk) to ask them to check your records and make sure a referral is made.

A lawyer can help to escalate any delays with the PPCS / Parole Board.

**What are the chances of my licence being terminated?**

The Parole Board held 922 reviews as of April 2024 and of those, 329 licences have been terminated.

The grant rate has been reducing, from just under 60% in September 2022 to about 35% in early 2024. This is probably because until June 2022, a person had to apply for a termination review which meant that people with better chances of success and support from probation tended to apply, and some people were not aware they were eligible. After that date, everyone who was eligible was automatically referred for a review, even if their probation officer did not support the termination.

It is hoped the rate of termination will increase with the change to the burden of proof for the Parole Board in the Victims and Prisoners Act, which creates a presumption that your licence will be terminated.

**What does termination mean for my criminal record?**

There are no changes to when your conviction will be spent. All offences that resulted in an IPP or DPP sentence will remain unspent forever, unless the law is changed. This means that you will still always have to disclose your conviction even on a basic DBS check.

For more information on criminal records look at the [Unlock website](#).



**What happens if I have been recalled and I am in custody when my licence termination is due for review?**

The changes in the Victims and Prisoners Act mean your case will not be referred to the Parole Board if you are in custody at the time your licence termination is due for review, and you will also not have an annual review of your licence. Once you are re-released, you will be eligible for automatic termination after two years continuously on licence (see page 11 on the sunset clause).

You will still have a recall review by the Parole Board and if they direct release they will consider whether that is unconditional (without licence) or conditional (with licence).

**What if I have more than one licence?**

A successful licence termination will only apply to your IPP sentence. If you are serving a licence on another sentence at the time of your IPP licence termination, you will still need to follow the conditions of the other licence. You could be recalled on the other sentence. If this other licence is attached to a determinate sentence, then you will be re-released by the Parole Board, or on your sentence end date once the other licence period is complete. At that point you would be off both sentences including both licences.

## Other changes for IPPs

The Victim and Prisoners Act also brought in a new power of **executive release** by the Secretary of State for Justice for IPP sentences.

This means if you are recalled, the Secretary of State for Justice can consider your re-release without you having to go through the Parole Board process, the same as determinate sentence prisoners have on recall already. The process is also called RARR, which stands for Risk Assessed Recall Review. There is detail on how the process will operate in the [Recall Policy Framework](#).

This change will be in force from **1 November 2024**.

## Where can I go for further information?

If you have more questions that are not answered by this guide, or if you think your qualifying period is approaching, or has passed, you should contact a lawyer as soon as possible.

If you are 21 or under, you can call the [Howard League](#) legal advice line on 0808 801 0308. It is usually open Mondays and Tuesdays 11am to 1pm and Thursdays and Fridays 10am to 12pm.

If you are over 21, the [Prisoners' Advice Service](#) has a legal advice line on 020 7253 3323 and is usually open Mondays, Wednesdays and Fridays 10am to 12.30pm and 2pm to 4.30pm. You can also email [advice@prisonersadvice.org.uk](mailto:advice@prisonersadvice.org.uk) or write to them at Prisoners' Advice Service PO Box 46199 London EC1M 4XA.

General information about the Victims and Prisoners Act is available from the [Prison Reform Trust](#) on 0808 802 0060, usually open Mondays 3pm to 5pm, Wednesdays 10.30am to 12.30pm and Thursdays 10:30am to 12:30pm. Or you can email them at [advice@prisonreformtrust.org.uk](mailto:advice@prisonreformtrust.org.uk) or write to: Prison Reform Trust, FREEPOST ND 6125, London EC1B 1PN.

You or your family can contact [UNGRIPP](#) for support by emailing [ungripp@gmail.com](mailto:ungripp@gmail.com) or writing to UNGRIPP Unit 76570, PO Box 6945, London, W1A 6US.

## Helpful links:

**Victims and Prisoners Act** - [www.legislation.gov.uk/ukpga/2024/21/contents/enacted](http://www.legislation.gov.uk/ukpga/2024/21/contents/enacted)

**Parole Board guidance on IPP Licence Termination** -

[https://assets.publishing.service.gov.uk/media/6346cd0ed3bf7f618c35e4f0/IPP\\_Licence\\_Termination\\_Parole\\_Board\\_Member\\_Guidance\\_2022.pdf](https://assets.publishing.service.gov.uk/media/6346cd0ed3bf7f618c35e4f0/IPP_Licence_Termination_Parole_Board_Member_Guidance_2022.pdf)

**Parole Board guidance on requesting reconsideration** -

<https://www.gov.uk/guidance/requesting-reconsideration-of-a-parole-board-decision-to-terminate-the-licence-of-an-indeterminate-sentence-for-public-protection-ipp-offender>

**Legal Aid eligibility** –

[http://assets.publishing.service.gov.uk/media/64d36dac667f340014b143f6/Criminal\\_Keycard\\_47\\_-\\_August\\_2023.pdf](http://assets.publishing.service.gov.uk/media/64d36dac667f340014b143f6/Criminal_Keycard_47_-_August_2023.pdf)

**APL solicitor database** - <https://www.associationofprisonlawyers.co.uk/unrepresented-prisoner-database/>

**Directory of Legal Aid Providers** - [www.gov.uk/government/publications/directory-of-legal-aid-providers](http://www.gov.uk/government/publications/directory-of-legal-aid-providers)

**Inside Time solicitors** – <http://insidetime.org/directory/categories/solicitors>

**Prison Reform Trust**– <http://prisonreformtrust.org.uk>

**Howard League for Penal Reform** – <http://howardleague.org/blog/ipp-reform-in-the-victims-and-prisoners-act/>

**Prisoner's Advice Service** - [www.prisonersadvice.org.uk](http://www.prisonersadvice.org.uk)

**Unlock** – <https://unlock.org.uk>

## Contributors to this guide

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- Prison Reform Trust
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## About the Howard League

The Howard League for Penal Reform is the world's oldest penal reform charity – a membership organisation that combines litigation, campaigning and policy work. Our aim is to build a more humane and effective response to crime that provides justice to all and helps to reduce reoffending.

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