



Terminating your IPP licence: a legal guide

Howard League
for **Penal Reform**

**PRISON
REFORM
TRUST**

PRISONERS' ADVICE SERVICE

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS

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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 current rules and the changes introduced by the Victims and Prisoners Act 2024. **The information in this guide is correct as of July 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 eight).

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 ARE NOT YET IN FORCE.

The Victims and Prisoners Act will not come into force until the government sets a date.

Check the websites listed at the end of this guide for updates. In the meantime, follow all your licence conditions as usual and engage with any Parole Board licence reviews that are under way or due to start.

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 an IPP licence is terminated, you are no longer serving an IPP sentence. All the conditions related to that licence are removed and you cannot be recalled to prison on that IPP sentence. For example, you would no longer have contact restrictions, exclusion zones or supervision by probation, and none of these could ever be re-imposed. However, if you committed another offence, it would be handled separately and you could potentially be recalled on licences for other sentences.

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

The current position

You qualify for termination 10 years after you are first released on licence. This is known as the 'qualifying period'.

At the end of the qualifying period your case will be automatically referred to the Parole Board for consideration.¹

This happens even if you are returned to custody at any point in that ten-year period and/or are in prison at the point of review.

If your licence is not terminated, you will have a review by the Parole Board each year (see the Parole Board Decision section below for more information on annual reviews).

These rules are the same if you are serving an IPP or DPP sentence.



Case study: IPP sentence

Sarah is an IPP prisoner. She was released in July 2014. She was recalled in April 2018 but re-released in December 2020. She will be eligible for her first termination review by the Parole Board in July 2024.



Case study: DPP sentence

Steven is a DPP prisoner. He was released in July 2014. He was recalled in October 2022. Release was refused by the Parole Board in May 2023, and he remains in custody. He will be eligible for a termination review by the Parole Board in July 2024.

¹ Section 31A of the Crime (Sentences) Act 1997

The future position

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 do not yet apply and there is no date set for when they will apply.**

One change is a reduction to the length of the qualifying period before your licence is reviewed by the Parole Board:

- If you are serving an IPP sentence, you will be automatically 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 automatically 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.

Another change is the introduction of automatic termination of your licence two years after the end of the qualifying period. This is sometimes called the 'sunset clause', and applies in the following circumstances:

- You must have been on licence in the community continuously for two years.
- If there is a break in your licence in the community, for example you are recalled, unlawfully at large, taken into a secure hospital, or sent to prison for some other reason, 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 'disregard' the interruption to the two-year period. 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'.

If it has already been more than five years since your first release, it does not mean that your licence will be automatically terminated. You still need to fulfil the conditions of the sunset clause - your licence must have been in force in the community continuously for the last two years.



Case study: Automatic termination

Ben is an IPP prisoner. He had a review by the Parole Board following completion of his qualifying period of three years. The Parole Board refused 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 in the community have passed since his initial release.

Ellis is a DPP prisoner. He had 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 in the community have passed since his initial release.



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 in the community 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 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 had a review of his licence after three years by the Parole Board, but it was refused. A year later, he was recalled back to custody for a breach of his licence. At his oral hearing some months later, the Parole Board considered Darren's recall and licence. It concluded that his risk did not require ongoing detention, or a further period of licence, and he was granted unconditional release. This meant he returned 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 two¹ years in the community 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 in the community 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: Current position

Colin is an IPP prisoner. He was released on 1 September 2014. He will be eligible for a review from 1 September 2024. He should instruct a solicitor as soon as possible.



Case study: Future position

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: Future position

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 dependants).

See full eligibility for legal aid on the Legal Aid Agency Keycard no. 47. 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 to the Parole Board

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 refer your case to the Parole Board 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 have completed the qualifying period on licence on 1 December 2024. The PPCS will start the process on 1 October 2024 by collating paperwork and notifying probation. Probation's report will be due 28 days later, on 29 October 2024. Zein's representations will be due seven days later, on 5 November 2024.

Zein should contact a lawyer around June 2024, 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 Board² 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 current position**

The test the Parole Board asks is, "*whether it is necessary for the protection of the public for you to still be subject to licence conditions*".

The test for termination: **the future position**

The Victims and Prisoners Act changes 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 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.

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:

The current position is that you will have an annual termination review by the Parole Board.

The future position is that 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.

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



Case study: Current position

Adam is an IPP prisoner. He had a review by the Parole Board following completion of his qualifying period of ten years. The Parole Board refused to terminate the licence because there had been some intelligence received by the police, but this did not result in any further arrest or charge. The following year Adam automatically gets another review by the Parole Board; there has been no further intelligence received by the police and the Parole Board decides to terminate his licence. Adam's licence is terminated 11 years after his initial release.



Case study: Future position

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 in the community, 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 licence termination letter looks like the example below.



**HM Prison &
Probation Service**

ORDER TERMINATING A LICENCE

Section 31A Crime (Sentences) Act 1997

The Secretary of State has received a direction from the Parole Board pursuant to section 31A of the Crime (Sentences) Act 1997, ordering the licence issued to [REDACTED] dated [REDACTED] is to cease to have effect.

By order made by the Secretary of State, the licence, and all conditions specified for the purposes of the licence, now cease to have effect.

[REDACTED]

[REDACTED]
on behalf of the Secretary of State

[REDACTED]

Automatic termination under 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 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 cancelled, but this will not be until after the automatic termination date has passed.

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 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?

Current position: your case will be referred to the Parole Board even if you have been recalled to custody, or if you are serving another sentence at the time the referral is made. It is likely that the Parole Board will consider your recall and your licence termination together at the same hearing. This position is complicated – make sure you have legal representation. If you are released at the hearing, the Parole Board has two options:

1. They can direct your release on licence, refusing the termination. You would have an annual review of your licence.
2. They can direct your release and cancel your licence at the same time. This is called unconditional release.

Future position: 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. Once you are re-released, you will be eligible for automatic termination after two years continuously in the community (see page 11 on the sunset clause). You will still have a recall review by the Parole Board and it is possible you can be re-released without any 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 at the latest, your sentence end date once the other licence period is complete. At that point you would be off both sentences including both licences.

What if I have been in the community long enough to qualify for automatic termination under the new rules, but I am recalled before they commence?

Until the new rules are in force, the current rules - which do not include automatic termination - are in place. You must continue to follow your conditions and you are at risk of recall. If you are still in custody when the new rules come in, you will remain in custody until the Parole Board re-release you. The automatic termination will not act retrospectively, in other words, it will not apply backwards – so you cannot argue that you were eligible for automatic release before you were recalled and so you should not have been recalled.

It is possible, depending on the circumstances of your recall, that when you are re-released from your recall, the Secretary of State will decide that the recall can be discounted for the purpose of interrupting your period in the community for the sunset clause to apply. In that case, you would not need to spend a further two years continuously in the community before automatic termination; the two years would continue from either the end of your qualifying period or your last release, whichever was later.

If your recall was not discounted by the Secretary of State, you will have to spend a period of two years continuously in the community before your licence is automatically terminated, regardless of when you were first released.

Other changes for IPPs

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

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. That process is also called RARR, which stands for Risk Assessed Recall Review.

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 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 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 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

Parole Board guidance on IPP Licence Termination -

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

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

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

Unlock – <https://unlock.org.uk>

Contributors to this guide

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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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