

February 2025

Life sentences for murder

A guide for young people detained at His Majesty's Pleasure (HMP)

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About this guide

Those who are convicted of murder as children receive a particular type of life sentence called 'detention at His Majesty's Pleasure'. This is also known as an DHMP or HMP sentence. This guide explains how HMP sentences work. It is aimed at those who are at the start of their sentence, but may also be useful to those further on in their sentence. This guide is for general information purposes only – you can contact a prison law solicitor for individualised legal advice (see page 14). This guide does not constitute legal advice and is provided for general information purposes only. The information in the guide is correct as of February 2025.



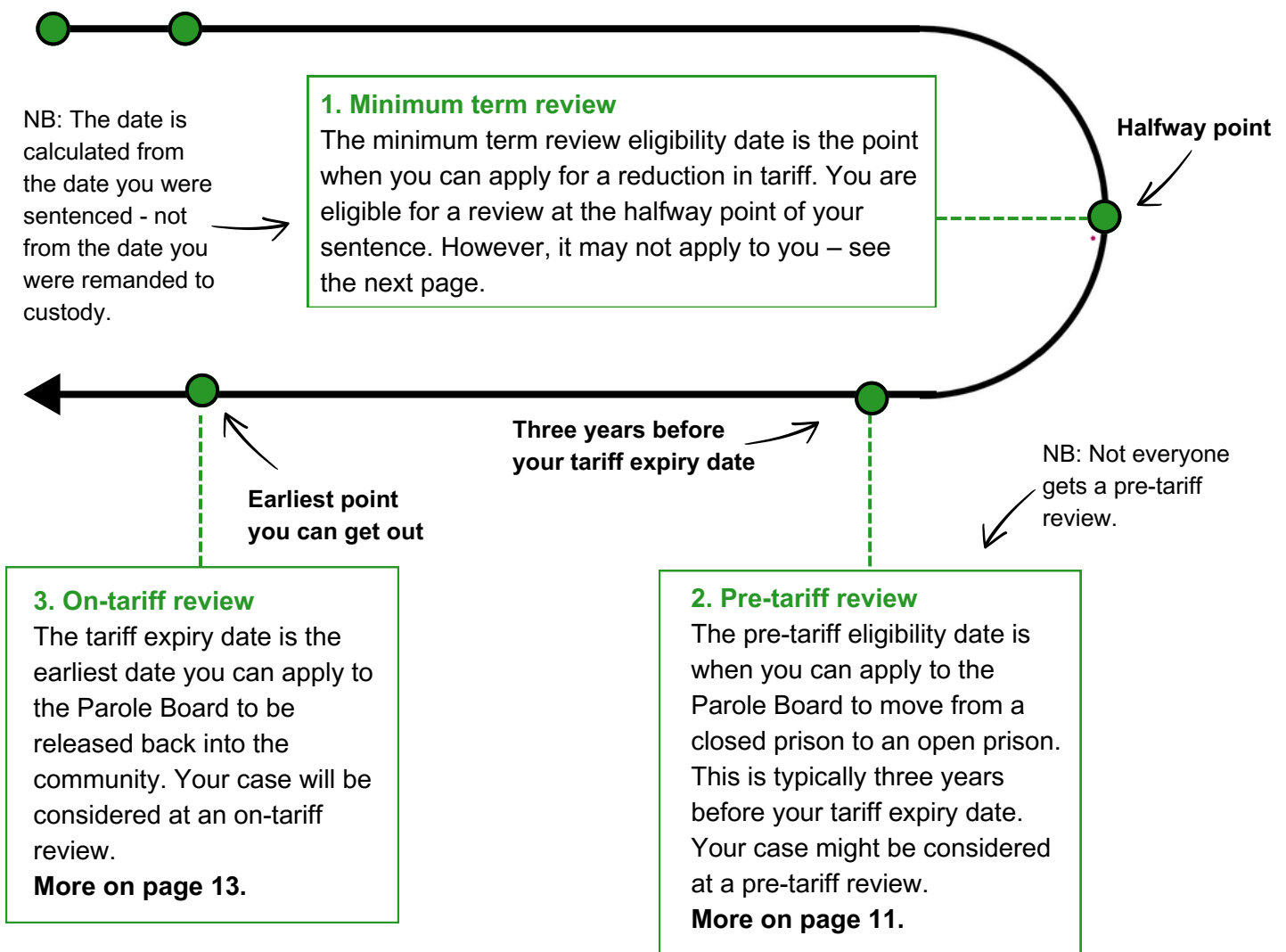
Key sentence dates

The below diagram shows a timeline of your tariff.

Tariff

Your tariff is the minimum number of years you must spend in prison before you can apply to be released. It's also known as the 'minimum term'.

Offence Sentence



Important information for those sentenced after turning 18

In 2022, the law on minimum term reviews changed. Previously, anyone who committed murder as a child could get a minimum term review. Now, only those who were under 18 at the time of sentencing are eligible to apply for a minimum term review.

This change in the law has been challenged in the courts. In February 2024, the High Court said that this change is not compatible with human rights law. However, the matter is not likely to be resolved anytime soon.

This means that for the time being, if you were sentenced when you were 18 or older, the section on minimum term reviews in this guide will NOT be relevant to you, but we suggest that you contact a solicitor close to your mid-point to see if there are any changes to the law by then.

Where can I find my key sentence dates?



You should be given a sentence calculation sheet. This is a document that sets out the key dates in your sentence.

Sentence dates are usually not calculated by staff in your establishment. This means that sometimes there are delays in sentence calculation sheets being prepared. There is no deadline for the dates to be calculated.

If you don't have your sentence calculation sheet, you can ask a member of staff to follow this up for you.



Sentence progression

Making progress on your sentence will increase the chances that you will be released when your tariff expires. Part of this will be about moving through prison categories in the adult estate.

What are prison categories?

Adult prisons are divided into four categories of security. Each adult is assigned to a category according to their level of risk, with category A being the highest level of security and D the lowest.

You will move to the adult estate once you turn 18 but you will not be categorised until you turn 21, unless you have been told you are a restricted status prisoner.

You will usually move to the adult estate once you turn 18. You will not be categorised until you turn 21, unless you have been told you are a restricted status prisoner. Prison categories are assigned depending on your level of risk.

If you are a restricted status prisoner, you will be moved to a category A prison. The category A team will carry out regular reviews and decide if you can be downgraded. You can get a solicitor to help you with the reviews (see page 14).

If you are not a restricted status prisoner when you turn 21, you will be assigned to category B or category C.

Category B, C and D

Category B and C are decided by prison staff, category D is decided by the Parole Board.

Category B

If you are in category B this will be kept under regular review.

Category C

You will be downgraded to category C when prison staff think your risk has sufficiently reduced.

Category D

Category D is 'open conditions'. Only the Parole Board can recommend that you move to category D.

Normally you will move through all the categories and be released from open conditions.



There are some things you will be expected to work on throughout your sentence to reduce your risk and progress - these will be outlined in your sentence plan.

Sentence plan

To work out the areas of risk you need to work on, staff will carry out a **risk and needs assessment**. The Youth Justice Service (sometimes known as YOT) use the **Asset Plus tool** to do this assessment. In the adult estate, you will be assessed using the Offender Assessment System (**OASys**).

The Asset Plus assessment starts when you first enter custody and will be completed once you're sentenced. It should be updated and reviewed regularly by your caseworker/OMU worker. It will include information about moving to the adult estate.

The Asset Plus and OASys are used to create an action plan called your '**sentence plan**'.

The plan will set out the areas of risk you need to work on, including any offending behaviour programmes you should complete. Your assessment and sentence plan should be reviewed regularly throughout your sentence. They should also be reviewed whenever there is a significant change which might mean a change in risk.

Sentence plans must be realistic and achievable. It's important that you know what is in your plan so you can follow it and show you are reducing your risk. If you're not given a copy of your sentence plan, or if you think parts of it are wrong, you should talk to your caseworker/OMU worker.



Minimum term reviews

What is a minimum term review?

The minimum term review (**MTR**) is a chance to get some time taken off your tariff. You can ask the High Court to consider whether your tariff can be shortened because of your progress since you were sentenced. MTRs are also sometimes called 'Tariff Assessment Reviews'.

Everyone serving a HMP sentence - who was sentenced before the age of 18 - gets the chance to have an MTR.

You only get one chance to apply for an MTR. This is why it's important that when you get to your review, you're ready to put your best case forward.

The law doesn't give a maximum amount of time that can be taken off. However, usually the range is between a few months and two years.

How an MTR works

There is no fixed timeframe for how long the whole process should take.

1. Applying

When you're close to the halfway point of your sentence, the Public Protection Casework Section (**PPCS**) will send you a letter asking if you want to apply for your MTR. You can get a solicitor to help you with your review (see page 14). You should contact them about six months before your MTR eligibility date.

2. Paperwork

If you apply, the team at PPCS will put together the paperwork in your case. This is called a '**dossier**'. It will include information about your index offence, your sentencing, security/adjudication records, and any post-programme reports. Your OMU worker will also write a report saying whether they think you meet the test to get a reduction (see page 9). It can take many months to get all the paperwork together.

3. Your views

When the dossier is complete, you will get a chance to add any further information you want to be considered. Your solicitor can help you by writing representations to put forward your views, and send in more evidence to support your case.

4. Referral

Once your representations are added to the dossier, the PPCS will consider your application – this is called the "sift" process. The PPCS must refer your case to the High Court unless it thinks your case has no real chance of success.

5. Decision

If your case is referred to the High Court, a judge will be asked to look at your dossier and make a decision, to keep your tariff as it is, or reduce it. This can take a long time. The decision, called a judgment, will normally be 'handed down' (announced) in court. The judgment will be a public document. You can get advice from a solicitor about what this means for you.

What do I need to show to get a reduction?

One of the ways to get a reduction in tariff is to show that you have made **exceptional progress** in prison. This will look different for everyone depending on individual circumstances. The MTR guidance set out in the Generic Parole Process Policy Framework lists some specific factors that can help you show that your progress has been exceptional. For example, showing that you have:

- ✔ an excellent work and disciplinary (behaviour) record in prison
- ✔ genuine remorse for the offence
- ✔ accepted an appropriate level of responsibility for the part played in the offence
- ✔ the ability to build successful relationships with other prisoners and prison staff
- ✔ successfully participated in work, including offending behaviour/offence-related courses.

The Court will also want to see some 'extra element' to show that you can be trusted in positions of responsibility. For example, by doing good things that benefit other people, such as:

- ✔ acting as a Listener
- ✔ helping vulnerable prisoners
- ✔ helping disabled people use prison facilities
- ✔ raising money for charities
- ✔ helping to keep young people away from crime.

Ideally you will have held positions of responsibility in more than one prison and over a long period.

The other way to get a reduction is if you can show that your continued imprisonment is likely to give rise to a serious risk to your wellbeing or rehabilitation which cannot be eased. This is very fact-specific, and you should get advice from a solicitor to see if this could apply in your case (see page 14).

What can help me prepare?

It's important that you keep track of the good things you do and keep evidence as you go. This means that when the review comes, you have plenty to show for all the good things you have done. Below is a list of evidence you could try and collect:

- Letters from members of staff who've seen you work in positions of responsibility. You can ask them to write a character reference for you.
- Letters from professionals who can comment on your progress in custody. This could also include professionals who are outside of prison – for example your social worker or personal adviser from social services, if you have one.
- Letters from people who have seen you change/mature during your sentence – for example friends and family.
- Education, training and programme certificates.
- Letters from prisoners you have helped. You can ask them to write about any positive difference you've made to them.

The test for exceptional progress is very high. Even if your review is not successful, all the positive things you have done will still count towards your next key sentence dates.

Nothing good you do will go to waste.



Pre-tariff reviews

What is the pre-tariff review for?

The point of the pre-tariff review is to allow the Parole Board to consider your case and form a view about whether you are ready to be moved to open conditions (category D).

The Parole Board is the organisation that deals with parole reviews. It is made up of Parole Board members, who carry out risk assessments on prisoners to decide whether they can be safely released into the community. They also make recommendations about a prisoner's suitability to move to open conditions.

When does the pre-tariff review happen?

You can normally apply up to three years before your tariff expiry date.

If you are in a category C prison, you can apply for the date of your pre-tariff review to be brought forward by six months to begin three and a half years before tariff expiry.

The test for open conditions

The test the Parole Board will consider is whether:

- you've made sufficient progress during your sentence to address and reduce your risk to a level consistent with protecting the public from harm (considering that in open conditions you may be in the community unsupervised);
- you are assessed as low risk of escape;
- and there is a wholly convincing case for your transfer to open conditions.

How pre-tariff reviews work

You can get a solicitor to help you with the pre-tariff sift and pre-tariff review (see page 14).

The pre-tariff process starts a few months before your pre-tariff eligibility date with what is called the pre-tariff sift process. The sift process decides whether there is a reasonable chance of you being moved to open conditions. This is because **not everybody gets a pre-tariff review**. The prison will make a recommendation, but the final decision is made by the PPCS.

If you pass the sift

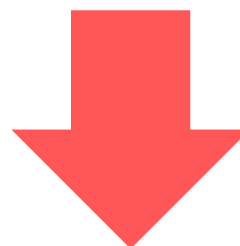


Your case will be referred to the Parole Board for a pre-tariff review.

If your pre-tariff review is successful: The Parole Board will make a recommendation that you should move to open conditions. The final decision is made by the Secretary of State for Justice.

If your pre-tariff review is unsuccessful: The Parole Board might consider whether you can move to open conditions at your on-tariff review, as an alternative to release (see page 13).

If you don't pass the sift



You should be given clear written reasons why. If you don't agree with the decision, you can get advice from a solicitor.

If you make good progress after an unsuccessful sift or pre-tariff review, and there's enough time to have a pre-tariff review before your tariff expiry, you can request a further pre-tariff sift.

On-tariff reviews

What is the on-tariff review for?

The Parole Board will consider whether you can be released or you can move to open conditions (category D) - if you aren't already there.

You can get a solicitor to help you with your on-tariff review (see page 14).

When does the on-tariff review happen?

The Parole Board will try to review your case before your tariff expiry date so that you can be released on or as soon as possible after your tariff expiry date.

The test for release

The test for the Parole Board is **whether it is necessary for the protection of the public that you remain in custody**. The Parole Board will be thinking about the risk of you causing serious harm. They will want to hear from you, and people working with you, about what work you have done in custody and how you have changed since you were convicted for your offence.

If the Parole Board decides that you cannot be released, a date will be set for your next review (which must happen within two years of your last review).



Getting help from a solicitor

When a solicitor can help

You can get a solicitor to help you with all the key stages in your sentence:

- Minimum term reviews
- Pre-tariff sifts
- Pre-tariff reviews
- On-tariff reviews.

Legal aid is available for all these key stages in your sentence. If you are financially eligible, you can get legal representation without having to pay.

How to find a solicitor

You can call the Law Society on 020 7320 5650 (Monday to Friday 9am to 5pm). They can put you in touch with a solicitor in your area. You could ask a family member or friend on the outside to help you find a solicitor through the 'Find a Solicitor' service on the Law Society website. Alternatively, you may be able to find a solicitor in Inside Time or Converse newspapers.

Do you have questions about this guide?

At the Howard League we provide legal advice to young people aged 21 and under on prison law matters. We have a free advice line that is usually open on Mondays and Tuesdays from 11am to 1pm and Thursday and Fridays from 10am until 12 midday. The number is 0808 801 0308. It is free to call and should be automatically on your PIN.

Contributors to this guide

In November 2023, we met with groups of young people in two Young Offender Institutions to talk about how HMP sentences work. We are very grateful for everyone's brilliant contributions, which helped us put this guide together.

About the Howard League

The Howard League for Penal Reform is the world's oldest penal reform charity – a membership organisation that combines legal work, 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.

Howard League for Penal Reform

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