

Implementation of the Victims and Prisoners Act 2024

What is the Victims and Prisoners Act?

The Victims and Prisoners Act became law on 24th May 2024. It contains legal changes to the IPP sentence which will affect people serving IPP. On 5th September 2024, the Government announced that these changes will be brought into force in two phases between 1st November and the 5th February. You can read the announcement [here](#).

What are the key changes to IPP?

1. A reduction in the qualifying period for an IPP licence review from ten years after first release to three years after first release. For those who were given a DPP sentence (people who received their IPP sentence as a child) the period is now two years after first release. IPP licence reviews will be automatic: you no longer have to apply for one.
2. At IPP licence hearings, the Parole Board must now make a presumption to terminate the licence, unless they believe there are good reasons to leave it in place.
3. The introduction of a route to automatically terminate a person's IPP sentence. HMPPS will refer to this route as automatic termination, but you may also have heard it called the sunset clause. If the Parole Board decides to leave a person's IPP licence in place after the qualifying period has expired, a two year 'clock' starts. If the person avoids being recalled in that two-year period, their IPP sentence will automatically be terminated. If a person is recalled within those two years, the clock restarts upon re-release. The Act also gives the Secretary of State a new power to stop recalls counting against the sunset clause if they believe it is appropriate to do so.
4. People serving IPP who have been recalled will now be eligible for Risk Assessed Recall Review (RARR - formerly called executive release). This is a power of the Secretary of State to re-release people who have been recalled without them having to be referred to the Parole Board. Previously this power only applied to people serving determinate sentences.
5. HMPPS is now required to lay an annual report before Parliament detailing how they are supporting the progress of all people serving an IPP sentence.

What happens next?

On 5th September 2024 the Secretary of State for Justice announced the implementation process. There will be two stages.

STAGE 1 Automatic licence terminations (formerly sunset clause) /Re-release (RARR)	STAGE 2 Review of licence termination by the Parole Board
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<p style="text-align: center;">Implementation date 1st November 2024</p>	<p style="text-align: center;">Implementation date 1st February 2025</p>
<p>From 1st November 2024, anyone who was released on IPP licence for the first time five or more years ago <u>and</u> has spent at least the last two years of that period continuously in the community without being recalled will have their IPP licence terminated without the need for a review by the Parole Board.</p>	<p>From 1st February 2025 there will be a reduction in the qualifying period for an IPP licence review from <u>ten years</u> after first release to <u>three years</u> after first release. For those who were given a DPP sentence (people who received their IPP sentence aged under 18) the period will be <u>two years</u> after first release. IPP licence reviews will be automatic.</p>
<p>People serving IPP who have been recalled will be eligible for Risk Assessed Recall Review (RARR - formerly called executive release). This is a power of the Secretary of State to re-release people who have been recalled without them having to be referred to the Parole Board. Previously this power only applied to people serving determinate sentences. However, this power is likely to be used sparingly.</p>	<p>If the Parole Board decide not to terminate the licence when they review a case after two or three years from first release, it will still end automatically after a further two years continuously in the community on licence (if not recalled) from that point.</p>
<p>An introduction of a route to automatic termination (formerly referred to as the sunset clause). If the Parole Board decides to leave a person’s IPP licence in place after the qualifying period has expired, a two year ‘clock’ starts. If the person avoids being recalled in that two-year period, their IPP sentence will automatically be terminated. If a person is recalled within those two years, the clock restarts upon re-release. The Secretary of State will have the power to stop recalls counting against the sunset clause if they believe it is appropriate to do so. However, this is likely to be used sparingly.</p>	

Even though there is going to be a change in the law, you will still need to comply with your licence conditions until your licence is terminated..

The majority of these changes affect people who are serving IPP on recall or serving IPP on licence. However, we will ensure that our future campaigning efforts will focus specifically on people serving IPP in prison. We plan to build on the momentum that has already been made in the following ways:

- Build on the cross-party approach to addressing the injustice of IPP. We will work with parliamentarians to be ready to take advantage of the next relevant parliamentary bill, or any other opportunities that arise for further legislative change.
- Build on the political support for change to IPP. We will attempt to secure meetings with the incoming Justice Secretary and their team, and ask for a commitment to continue addressing the problem of IPP.
- Continue to build media support for change to IPP.
- Challenge HMPPS with regards to the IPP action plan.
- Encourage key professional bodies to continue to speak out against IPP.