

Guide to Proposed Changes to IPP in the Victims and Prisoners Bill

On Tuesday 28th November the Justice Secretary proposed an amendment to the Victims and Prisoners Bill which would change the circumstances of thousands of people on an IPP licence in the community. It would be the most significant reform to the IPP sentence in over a decade.

What is an amendment?

An amendment is a proposal for something to be made into law. They are usually proposed when a new Bill (a set of potential new laws) is being debated in Parliament. Both the Government and MPs will propose lots of amendments. Parliament then votes on which ones will be included in the Bill when it passes into law.

What is Amendment NC26?

Amendment NC26 has been proposed by the Government to change the law on the IPP licence. It is proposed for the Victims & Prisoners Bill, which is currently being debated by Parliament. The amendment, if passed, would change IPP licence laws so that it is easier to have the licence removed (and end your sentence).

What is the current law on the IPP licence?

Currently, people who are ten years beyond their first date of release will have a Parole Board hearing. The Parole Board decides to either a) terminate the IPP licence (which ends the sentence), b) vary the licence conditions, or c) leave the licence in place. If the licence is not terminated, people are entitled to a hearing every year. IPP licences potentially last for life, if not removed by the Parole Board.

How would Amendment NC26 change the law?

Amendment NC26 proposes reducing the waiting period for a licence hearing from ten years after first release to **three** years after first release. We are calling this the **licence review waiting period**.

The amendment also adds something called a sunset clause. A sunset clause is a law that allows something to expire. In this instance, Amendment NC26 proposes that if somebody is unsuccessful at getting their licence removed by the Parole Board after the licence review waiting period, they can **automatically** have their licence removed if they serve another **two** years in the community without recall or further offences. We are calling this the **sunset period**.

What does automatic removal mean?

It means that there is no Parole Board decision making involved. If a person spends two years in the community on licence without being recalled or committing another offence, their IPP sentence ends.

What other changes would Amendment NC26 make?

The amendment proposes two other changes. The first one is that people will no longer be entitled to annual licence review hearings in the community once they are eligible for them (as is the law currently). Instead, people would have one hearing three years after first-release. If that hearing is unsuccessful, their licence would be automatically removed if they complete the sunset period. If the person is recalled to prison before the end of the sunset period, the Parole Board would consider both their re-release, and whether to release them with or without a licence (but it is very unlikely anyone would be released straight from prison with no licence).

The other change is to Parole Board decision-making. Currently, the 'burden of proof' is on the person serving IPP to prove to the Parole Board that they are safe to release into the community, or be in the community without licence conditions. The amendment would place the burden of proof on the Parole Board for licence hearings. That means they should presume the licence can be removed unless there are compelling reasons not to. The amendment would not change anything about decisions to release a person from prison, only whether to keep them on licence.

What happens to the sunset period if I do get recalled during my licence?

The licence review waiting period would start from when you are *first* released, and does not reset if you are recalled. Once you pass that, any recalls *would* reset the clock on the sunset period. You would have to serve two years *from re-release* without getting recalled in order to complete the sunset period, even if you had done some time on licence previously.

What if I am in prison and I have never been released before?

After being released for the first time, you would be eligible for a licence removal hearing three years post-release. If you are unsuccessful at that hearing, the clock starts on the two-year sunset period. If you reach the two-year point with no recalls or offences, your IPP licence ends. But this would be **five years in total** after your first release - the licence review waiting period (3 years) plus the sunset period (2 years).

What if I am already on licence in the community?

The change would be retrospective. That means if it has already been three years since your first release, and another two years without recall, your IPP licence would be removed. If you have done three years but not yet done the additional two years, you would have a Parole Board hearing to decide whether to keep your licence in place.

Are these changes definitely going to happen?

No. But they are much more likely to happen than other changes that have been proposed in Parliament regarding the IPP sentence. Amendments must be voted into a Bill before they can be passed into law. When MPs or Peers propose amendments, this process can be very uncertain. However, Amendment NC26 is being proposed by the Government. Because the Government has a parliamentary majority, it is much more likely to secure enough votes to make the amendment into law.

How would these changes work in practice?

We have made a flowchart on the next page which shows how the amendment is likely to work in practice for most people. We will keep you updated as the Bill develops.

How Amendment N26 would work in practice

