

Life sentences for murder

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

March 2024





About this guide

Those who commit murder as children receive a particular type of life sentence called 'detention at His Majesty's Pleasure' (or DHMP). This is also known as an '**HMP sentence**'.

This guide explains how an HMP sentence works. 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 20).

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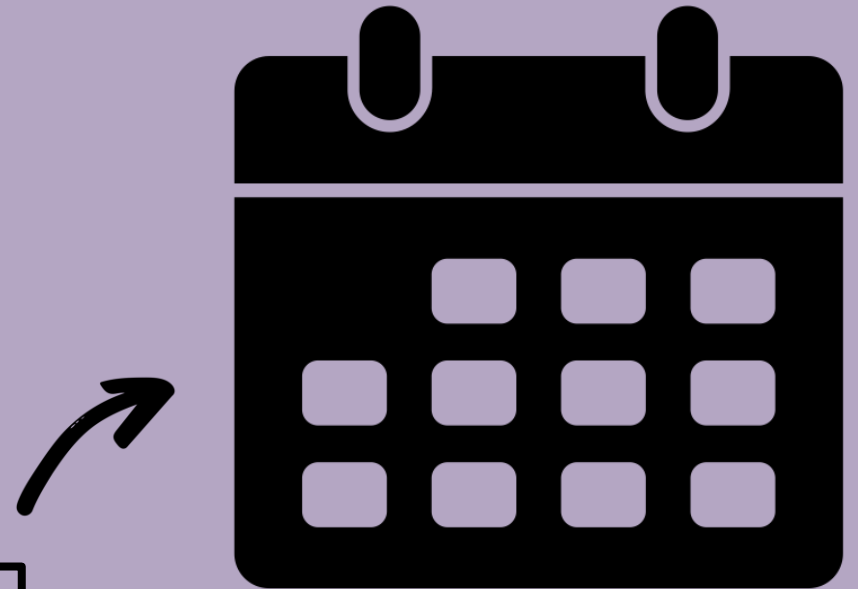
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Key sentence dates

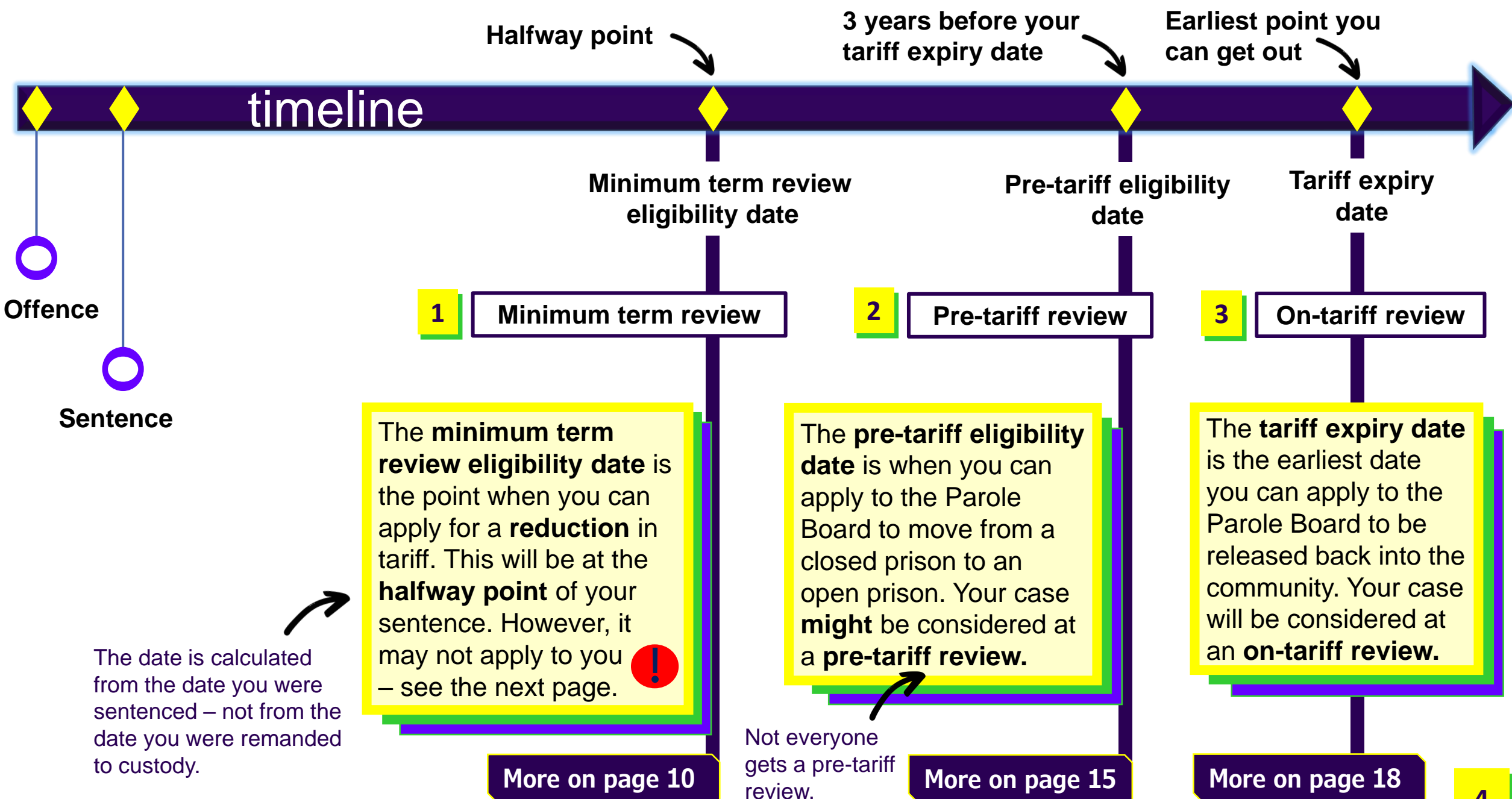
The next page shows a timeline of your tariff.

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'.



timeline



Offence

Sentence

Halfway point

3 years before your tariff expiry date

Earliest point you can get out

Minimum term review eligibility date

Pre-tariff eligibility date

Tariff expiry date

1 Minimum term review

2 Pre-tariff review

3 On-tariff review

The **minimum term review eligibility date** is the point when you can apply for a **reduction** in tariff. This will be at the **halfway point** of your sentence. However, it may not apply to you – see the next page.

The **pre-tariff eligibility date** is when you can apply to the Parole Board to move from a closed prison to an open prison. Your case **might** be considered at a **pre-tariff review**.

The **tariff expiry date** is the earliest date you can apply to the Parole Board to be released back into the community. Your case will be considered at an **on-tariff review**.

The date is calculated from the date you were sentenced – not from the date you were remanded to custody.

More on page 10

Not everyone gets a pre-tariff review.

More on page 15

More on page 18

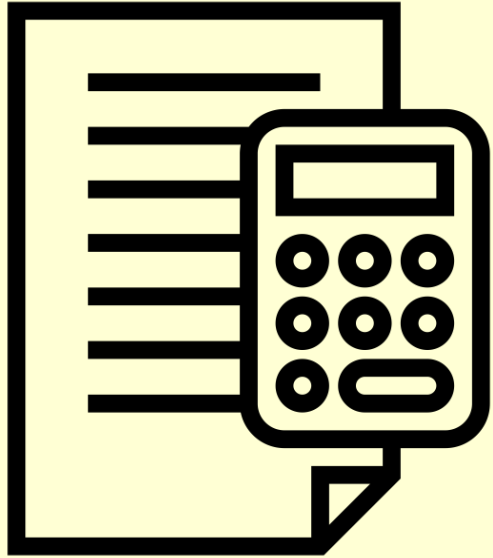


Important information for those sentenced after turning 18

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.



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.

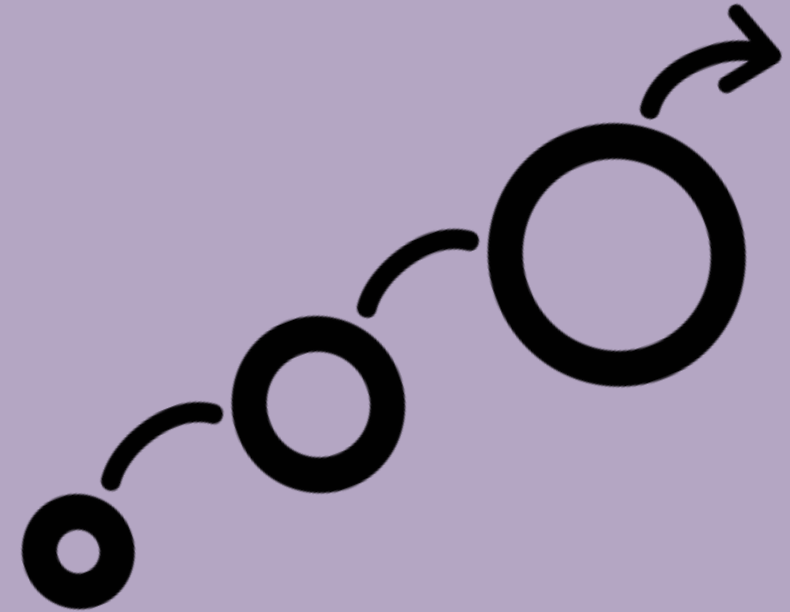


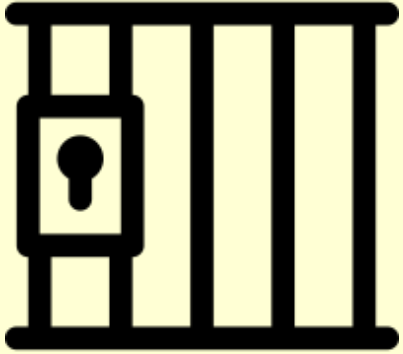
If you don't have your sentence calculation sheet, you can ask a member of staff to follow this up for you.

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 – see the next page.





What are prison categories?

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.

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 20).



Prison categories are assigned depending on your level of risk.

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

Category B and category C are decided by prison staff.



Cat B

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



Cat C


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



Cat 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 – more on the next page.





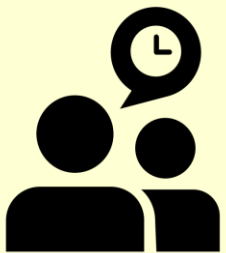
Sentence plan

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.



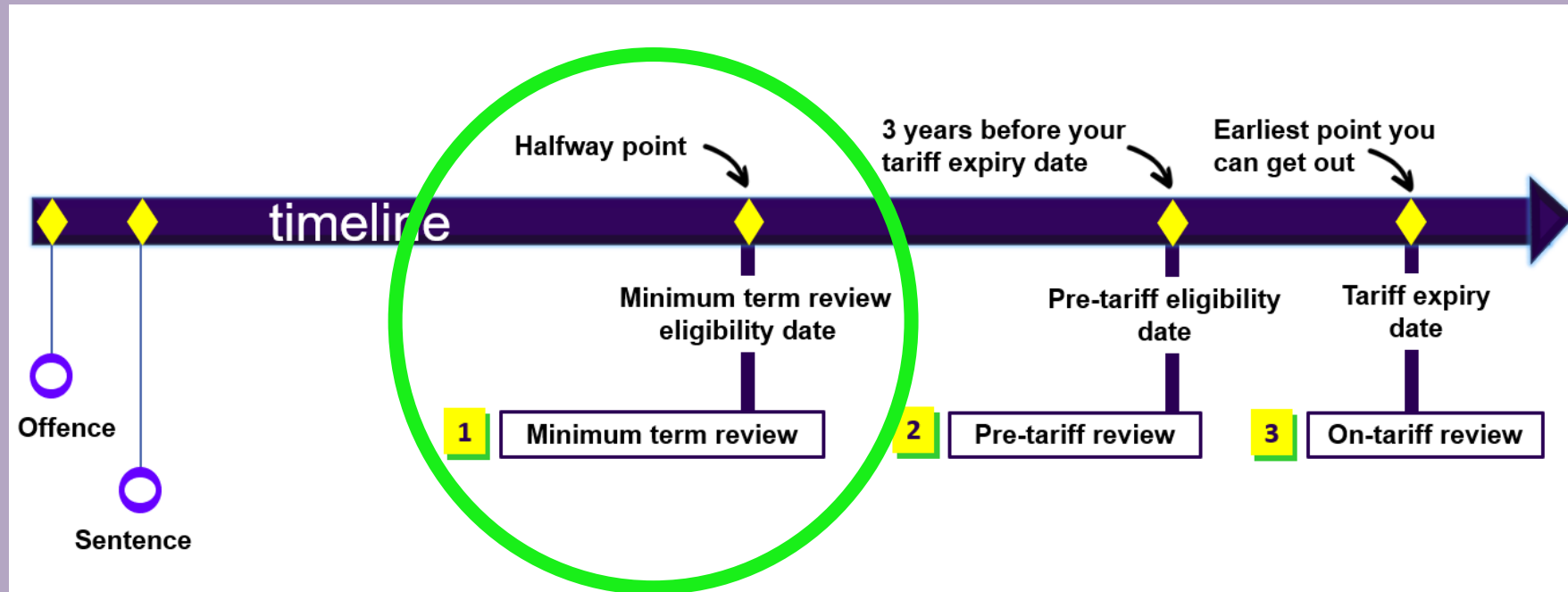
The Asset Plus and OASys are used to create an action plan called your '**sentence plan**'.



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 sentence. You can ask the High Court to consider whether your sentence can be shortened because of your progress since you were sentenced. MTRs are also sometimes called 'Tariff Assessment Reviews'.

Everyone serving an 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.



How much time can I get off?



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 2 years**.



How MTRs work



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

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 20). You should contact them about 6 months before your MTR eligibility date.

Paperwork

If you apply, the team at the 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 the next page for more details about the test).

It can take many months to get all the paperwork together.

Decision

If your case is referred to the High Court, a judge will be asked to look at your dossier and make a decision. 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.

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.

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 help your case.



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

Don't think it's too late to turn things around. Though the sooner you start, the better.

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 eliminated. This is very fact-specific, and you should get advice from a **solicitor** to see if this could apply in your case (see page 20).

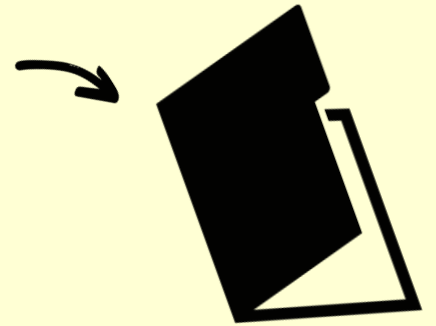
What can help me prepare?

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:

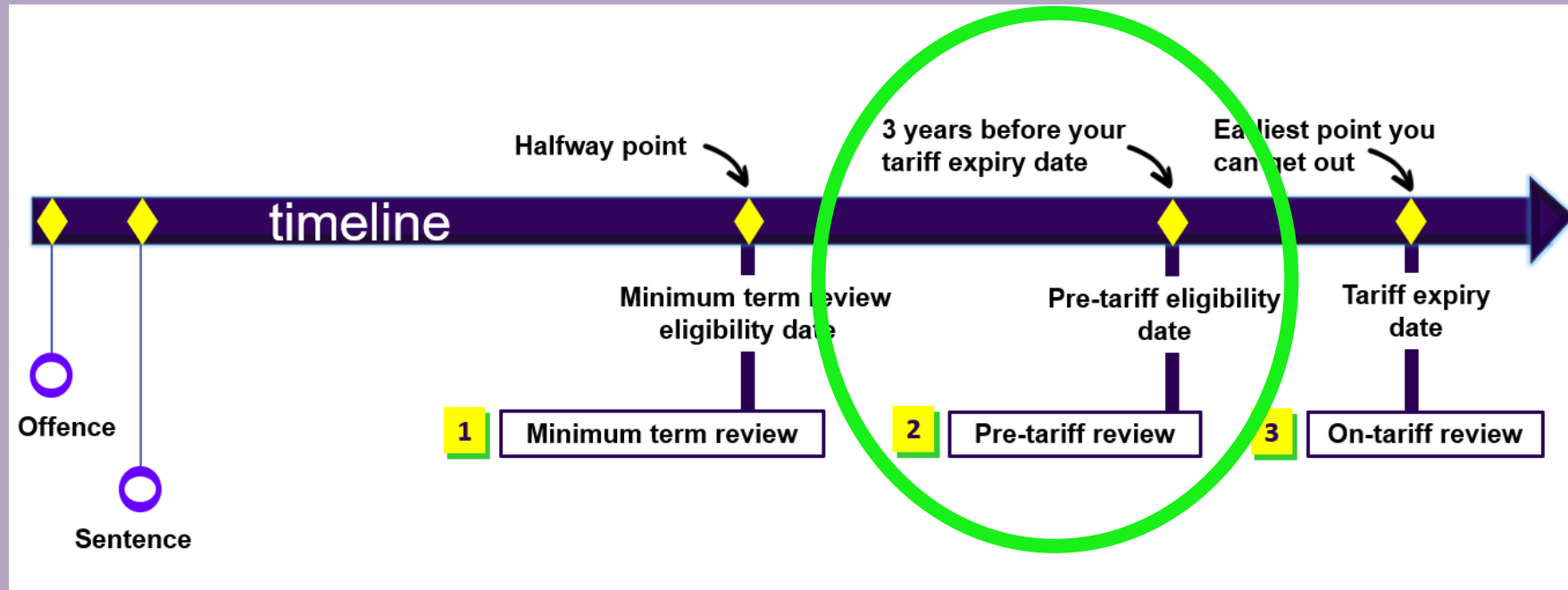
- ✔ Letters from members of staff who've seen you work in positions of responsibility. You can ask them to write a character reference for you.
- ✔ Letters from professionals who can comment on your progress in custody. This could also include professionals who are outside of prison – for example your 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.

Keeping a **folder** with all the evidence may be a good way to make sure you have everything in one place ready for your MTR.

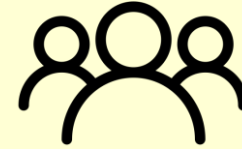


The test for exceptional progress is very high. Even if your review is not successful, all the positive things you have done will still count towards your next key sentence dates. **Nothing good you do will go to waste.**

Pre-tariff reviews



The pre-tariff review



What it's for

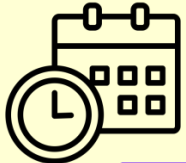
The point of the pre-tariff review is to allow the **Parole Board** to consider your case and form a view about **whether you are ready to be moved to open conditions (category D)**.



Parole Board

This 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



You can normally apply up to **3 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 6 months to begin 3½ 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



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.

You can get a **solicitor** to help you with the pre-tariff sift and pre-tariff review (see page 20).

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

If you pass the sift

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 your pre-tariff review is successful

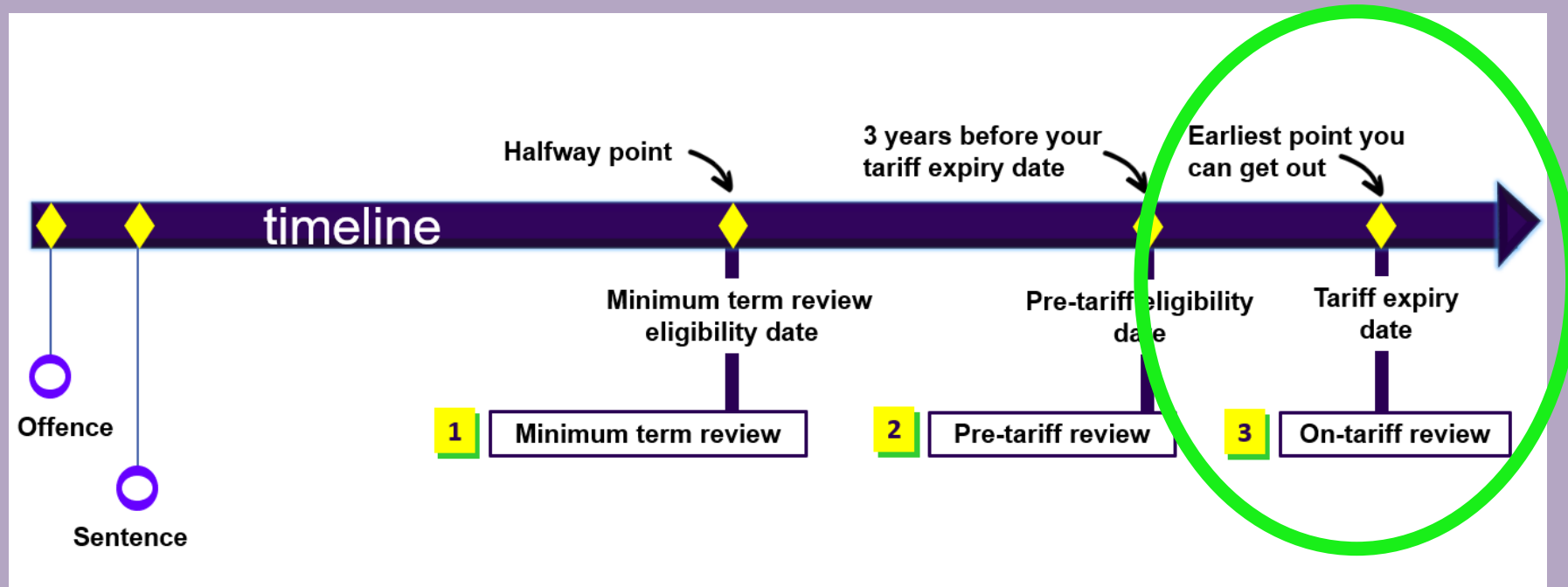
The Parole Board will make a recommendation that you should move to open conditions. The final decision is made by the Secretary of State for Justice.

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 18).

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



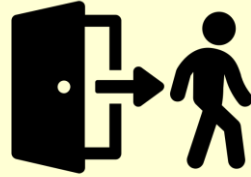
The on-tariff review

You can get a **solicitor** to help you with your on-tariff review (see page 20).

What it's for

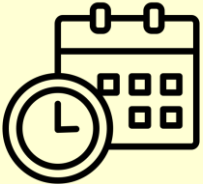
The Parole Board will consider whether:

- you can be **released** or
- you can move to **open conditions** (category D) - if you're not already there.



Test for release

The test the Parole Board will consider to decide if you can be released 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 of your offence.



When

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.



If the Parole Board decides that you cannot be released, a date will be set for your next review (which must happen within 2 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. This means that if you can't afford to pay for legal costs and 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. Or 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.

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 automatically be on your PIN.

Howard League for Penal Reform

Contributions

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.

This guide does not constitute legal advice and is provided for general information purposes only. The information in the guide is correct as of March 2024.

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. We have a dedicated legal advice line for children and young adults in custody.

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