

The Sentencing Act (March 2026 update)

This information sheet is about the Sentencing Act 2026, which received royal assent in January 2026. It focuses on the changes that will most affect adults in custody, and what we know about these changes so far.

The main changes covered in this information sheet are:

- Changes to release for Standard Determinate Sentences (SDS) as part of the 'earned progression' sentence model - **pages 2-3**
- Removal of Home Detention Curfew (HDC) for adults serving SDS – **page 4**
- Changes to Fixed Term Recall (FTR) – **page 5-6**
- Additional licence conditions, including restriction zones, and prohibition from driving, public events and drinking establishments. – **pages 7-8**
- Changes to termination of IPP licence – **page 9**
- Removal of minimum custodial period for the Early Removal Scheme (ERS) – **page 10**
- Changes to sentencing (and other changes) – **pages 11-13**

When will changes in the Sentencing Act come into force?

Please note that although the Sentencing Act is now law, most of the changes it makes have not yet come into force.

Some changes already have a commencement date – these are mostly changes to sentencing listed towards the end of this information sheet.

Most of the changes in this information sheet are subject to the Secretary of State commencing them. We do not yet know when this will happen. Where the Government have indicated a time frame for a specific change we have included this below.

Some details about how the changes will apply will also be a matter for policy. It may take some time for policies to be written so we do not know everything at this stage.

In the meantime, PRT will be actively seeking clarification on timings and details from officials and policy makers. This information will be updated as and when we know more.

Changes to release for Standard Determinate Sentences (SDS)

The Sentencing Act makes changes to the release points for adults serving standard determinate sentences. This change is part of a move to an earned progression model.

We do not know exactly when these changes will come into force, but the Government has said it will happen in the Autumn.

For people serving SDS where automatic release is usually at the halfway or 40% point, they will be automatically released after serving a third of their sentence.

For people serving SDS for serious sexual or violent offences, where the current automatic release is at two thirds, they will be automatically released at the halfway point.

Please be aware that the Act also introduces changes to Home Detention Curfew (HDC) – see the following pages for more information.

The changes to release points do NOT apply to people serving sentences under section 250 (this is a type of determinate sentence for people convicted under 18).

No changes have been made to the release points of other determinate sentences such as Extended Determinate Sentences – see the following page for more information.

How does this fit into the ‘earned progression’ model

Changes to the release point are part of moving to an ‘earned progression’ model for adults serving SDS. This model was recommended by the Sentencing Review in 2025 and accepted by the Government for people serving SDS.

Under the earned progression model, sentences will consist of three stages:

1. The custody stage – the part of the sentence spent in prison. The earned progression model will allow for earlier release for people serving SDS unless they have been given extra days for breaking prison rules.
2. Post custody stage - once released from custody, a person would progress to post-custody stage, which is described as an intensive supervision stage under strict licence conditions. This could include electronic monitoring.
3. At risk stage – after the post custody stage they would progress to the ‘at risk stage’ where they would not be subject to active supervision.

Details about changes to the licence period are not included in the Sentencing Act. We expect those changes to be made over the coming months through policy.

How will the earned progression model work?

Although the model is described as earned progression, the early release will actually be automatic for people on relevant sentences.

However, if you break prison rules you could be given extra days through the adjudication system.

The Government plans to double the maximum number of additional days an Independent Adjudicator can impose per incident from 42 to 84 days.

The Government also rejected the recommendation by the independent sentencing review to add a cap to the number of days a person could get. This means it is possible that someone could end up getting enough extra days to serve their whole sentence in custody.

There is more information about how extra days are given in our *Prison Rules and Adjudications* information sheet.

EDS exclusion from earned progression model

If you are serving an Extended Determinate Sentence (EDS) you will not be eligible for earned release.

The Government rejected recommendations by the independent sentencing review to change sentence structure for people serving EDS and stated that earliest parole will remain at two thirds stage. They said this was because judges give extended sentences to those they consider dangerous.

Many of you got in contact with us asking for us to ask the Government to reconsider this. Unfortunately our attempts to advocate for the Government to review this decision have not been successful. Whilst the Bill was going through parliament, an amendment was tabled by PRT trustee Lord Carter to bring people serving extended determinate sentences into the scope of earned release. Unfortunately, this was rejected by the government.

What about Home Detention Curfew (HDC)?

Under changes in the Act, Home Detention Curfew (HDC) will not be available for adults serving SDS.

This is because the earlier release and more intense supervision period included in the earned progression model is intended to replace HDC.

This means, unless you are serving a shorter sentence, you could be released later under the changes than you would if you are eligible for HDC under the current release arrangements.

For example, if you are serving a 24 month SDS:

- Under current arrangements, release at 40% means automatic release would be at just over **9 and a half months** which could be reduced to **6 months** with HDC.
- By comparison, release at 33% will mean automatic release at **8 months**.

HDC remains available for some youth sentences.

When will changes to release and HDC come into force?

The Government has announced that the earned progression model is to be rolled out in the Autumn. We do not yet know if the changes to HDC will happen at this time. We will be seeking clarity on more precise dates over the coming weeks.

At time of writing we are also seeking further clarification about what the arrangements will be for people who have been given release and HDC eligibility dates which may fall after these changes are due to be implemented.

If you are unsure how the changes will apply to you, we advise discussing this with your Prison Offender Manager (POM).

Changes to Fixed Term Recall (FTR)

The Act will increase the length of current 14/28 day Fixed Term Recalls (FTR) to 56 days for adults serving standard determinate sentences (SDS), irrespective of sentence length.

FTR is currently 28 days if you are serving a SDS of 12 months or more, and 14 days if you are serving a SDS of less than 12 months.

The change to 56 days follows a change in law in September 2025 which meant that most people serving a SDS of less than 4 years became automatically eligible for FTR unless they were excluded for one of the following reasons:

- under 18 at point of recall
- serving a national security or terrorist related offence or fall within the definition of a terrorist offender
- managed under MAPPA levels 2 or 3
- recalled because you have been charged with a further offence

Under the Sentencing Act, if you are in custody serving a recall for an SDS sentence of four years or more at the point of commencement, your recall may be converted to a 56-day FTR if you meet the criteria. The prison will check if you meet the criteria for this and your POM will let you know if your release date has changed.

When does this come into force?

Changes to FTR will come into force from 31 March 2026.

For people already in custody on recall on 31 March, releases will be staggered based on sentence length. The following table shows which date is relevant to you based on your sentence length.

If you have a sentence of... (in days)	Approximate sentence length	The change will apply to you from...
Less than 1,702 days	Up to 4 years 8 months	31 March 2026
1,702–2,128 days	4 years 8 months to 5 years 10 months	14 April 2026
2,129–2,576 days	5 years 10 months to 7 years	21 April 2026

2,577–3,304 days	7 to 9 years	28 April 2026
3,305–4,438 days	9 to 12 years	5 May 2026
More than 4,438 days	12 years or more	12 May 2026

If you have been recalled on concurrent sentences, it will be based on the longest of these sentences.

If the Parole Board previously reviewed your recall and decided that you were unsuitable for release this can affect the date the changes apply to you.

In these circumstances the date the changes apply to you will be whichever is the latest of the following:

- a) the day after the end of the period of 56 days beginning with the day after the day the decision is served on the Secretary of State, and
- b) the relevant day as per the table on the previous page.

If you need general information about how recall works please contact us for a copy of one of the following information sheets:

- *Licence conditions and recall – determinate sentences*
- *Licence conditions and recall – indeterminate sentences*

Additional licence conditions

The Sentencing Act introduces the following new additional licence conditions.

- Driving prohibition condition
- Public event attendance prohibition condition
- Drinking establishment entry prohibition condition
- Restriction zone condition

Additional licence conditions are conditions that could be added to your licence if your offender manager thinks it is necessary and proportionate to do this.

If you breach the conditions on your licence you could be recalled to prison, receive a warning or have your supervision frequency increased.

Once these changes come into force they will apply to people who are already released on licence and could be applied to people who are yet to be released if it is necessary and proportionate.

When does this come into force?

We do not yet know when these new conditions will become available.

It is possible that more guidance about their use could be issued for staff about when to use these conditions when the Licence Conditions Policy Framework is updated to reflect these changes.

Driving prohibition condition

A driving prohibition condition is a condition which bans you from driving a motor vehicle on a road or other public place.

A driving prohibition condition could prevent you from driving generally or it could be very specific about what, where, and when you can't drive.

Public event attendance prohibition condition

A public event attendance prohibition condition is a condition which bans you from attending a public event

A 'public event' means any event to which the public or a section of the public has access, even if they have to pay to enter.

This condition could be used to ban someone from:

- Any public event at any time.
- Specific types of events (for example, all football matches).
- One specific event

- Specific times, such as banning you from events that take place late at night

Drinking establishment entry prohibition condition

A drinking establishment entry prohibition condition is a condition banning you from entering a drinking establishment.

Under this condition, you could be banned from

- a particular venue named in the condition.
- specific types of venues or
- all public drinking venues.

You could be banned from drinking establishments at all times or only during specific times, such as late at night.

A 'drinking establishment' means as any place where the main activity is selling alcohol for people to drink on-site, unless you are required to be staying there as a guest or buying a full meal to be served (such as a hotel you are staying in or a restaurant).

This definition also covers entertainment venues which stay open past midnight and sell alcohol during those hours.

Restriction zone condition

A restriction zone condition means you will be given one or more specific areas which you must stay within. Moving outside of the restriction zone without permission would be a breach of your licence. You could be fitted with a GPS electronic monitoring tag to enforce this restriction.

You might be required to stay in different areas at different times, such as your home area at night and area of work during the day. If the areas are not connected, the condition will include how you can travel between those areas.

If you need more detailed information about licence conditions please contact us for a copy of one of the following information sheets:

- *Licence conditions and recall – determinate sentences*
- *Licence conditions and recall – indeterminate sentences*

Changes to licence termination for IPP and DPP

The Act introduces some changes to the termination of licences for people serving IPP and DPP.

We do not yet know when these changes will come into force. They require the Secretary of State to commence them.

The changes are:

1) Reduction in the length of the qualifying period to two years for IPP prisoners

This means if you are serving an IPP sentence, you will be automatically referred to the Parole Board for a termination review two years after your first release (instead of three years as it stands now)

2) Allows for further applications by people serving IPP or DPP to the Parole Board for a licence termination review IF you have been continuously on licence for a period of one year after the qualifying period.

There is a limit of one application that can be made during each continuous period on licence.

These changes build on the provision for the termination of IPP and DPP licences introduced by the Victims and Prisoners Act 2024.

For more detailed information about licence termination, we can send you a copy of *Terminating your IPP licence: a legal guide* produced by Howard League, Prisoners' Advice Service and PRT.

Other IPP amendments not accepted

While the above changes are welcome, it is disappointing that the government did not accept other amendments tabled by peers to address the continued injustice faced by people serving the IPP sentence who have never been released.

These included an amendment tabled by Lord Thomas taking forward the key recommendation of the expert group commissioned by the Howard League for Penal Reform for the Parole Board to direct release of an IPP prisoner at a specified future date. An amendment tabled by Lord Woodley for the resentencing of individuals serving IPP sentences was also rejected.

Removal of minimum custodial period for the Early Removal Scheme (ERS)

The Sentencing Act removes the requirement that you must serve a minimum custodial period before removal. These changes will mean that someone eligible for ERS could be removed for the purposes of immediate deportation any time after sentence.

We do not yet know when this change will come into force.

Changes in the Act follow changes to the law that came into force on 23 September 2025, which had already reduced the minimum custodial period. Under those changes the point in your sentence from which you can currently be removed under ERS must meet the following:

- you must serve a minimum of 30% of the requisite custodial period (the part of your sentence you would usually spend in custody)
- AND the maximum ERS period is 4 years before the point you would normally be released.

If you would like more information about the Early Removal Scheme please contact our service and we can send you a factsheet or a copy of PSI 04/2013 *Early removal of foreign national prisoners*.

Changes to sentencing and other changes

Below are some other changes introduced by the Sentencing Act which may be of interest. Though these changes are important, we have only covered them briefly – if you need more detail please contact our advice service.

The following changes are all due to commence 2 months after the Act comes into force, which we have taken to be 22 March 2026.

A presumption to suspend prison sentences under 12 months

The Sentencing Act introduces a presumption for courts to suspend short custodial sentences of 12 months or less.

Judges will still have the power to hand down prison sentences of 12 months or less if someone has breached an order of the court, or where there is a significant risk of harm to an individual, or in exceptional circumstances which would justify not passing a suspended sentence.

Increase length of suspended sentences

The Act extends the length of suspended sentences so that a court can suspend a custodial sentence of up to 3 years.

The Act also explicitly prevents Extended Determinate Sentences and Sentences for Offenders of Particular Concern from being suspended.

Deferment of sentence

The Act extends the maximum date to which sentencing may be deferred from 6 months to 12 months.

Amends the purpose of sentencing

The Act adds a reference to victims to the statutory purposes of sentencing.

Domestic abuse

Under Section 6 of the Sentencing Act 2026, a court must officially say that an offence involved domestic abuse if they hold that opinion, even if the person was convicted of a general offence rather than a specific domestic abuse offence.

Expansion of offences eligible for Sentence for Offenders of Particular Concern (SOPC)

The Act adds national security and official secrets offences to the list of offences which must receive a SOPC as a minimum where a custodial sentence is imposed.

Whole life orders for murder of police, prison or probation officer

The Act introduces a requirement for judges to use a Whole Life Order (WLO) as the starting point when sentencing for the murder of a police, prison, or probation officer or someone who previously worked in one of these roles. Before this Act, a WLO was only the starting point for a murder of a police or prison (not probation) officer in the course of duty.

High Court referral for Parole Board decisions for unconditional release in certain life sentence cases

This change adds to the Secretary of State power to refer high-risk release decisions made by the Parole Board to the High Court. This power was introduced by the Victims and Prisoners Act 2024 and came into force on 31 December 2025.

The changes in the Sentencing Act mean that the referral power will apply to cases where the Parole Board has directed unconditional release.

Scrapping of SoS power to appoint law enforcement members to Parole Board

This change gets rid of a power introduced in the Victims and Prisoners Act 2024 which gave the Secretary of State the ability to decide that "top-tier" cases must be decided by panels including members with law enforcement backgrounds (such as former police officers).

Annual report relating to prison capacity

The Act includes a new clause requires the government to publish an annual report on prison capacity. The new clause was tabled by the government in response to amendments tabled by Lord Foster and supported by the Prison Reform Trust. It will be a useful way to hold the government to account on overcrowding and capacity issues.

Sentencing Council

Unfortunately, changes which allow for the Lord Chancellor to interfere in the work of the Sentencing Council remain in the Act.

The Act requires the Sentencing Council to obtain approval from the Lord Chancellor and Lady Chief Justice for all sentencing guidelines before they are issued. It also requires that the Sentencing Council's annual business plan must be approved by the Lord Chancellor.

The following changes do not come into force automatically.

This means the Secretary of State has to commence them. We do not yet know when this will happen.

Income reduction orders

A new order available to be given alongside suspended sentence orders. The order will require the person given it to pay a percentage of their income above a certain threshold for a period up to the duration of their sentence.

New Community Order Requirements

The Act adds new requirements which can form part of a community or suspended sentence order:

- Driving prohibition requirement – a requirement which may prevent you from driving generally or it could be very specific about what, where, and when you cannot drive.
- Public event attendance prohibition requirement - requirement which bans you from attending a public event
- Drinking establishment entry prohibition requirement - requirement banning you from entering a drinking establishment.
- Restriction zone requirement - gives one or more specific areas which you must stay within.

Removed from the Bill: publication of name and photograph of people completing unpaid work requirements

We are delighted that after a campaign led by PACT and supported by a wide coalition of criminal justice charities, the government listened to concerns and removed a clause from the bill which would have given probation powers to publish the names and photos of people completing unpaid work requirements as part of a community sentence.

This provision to “name and shame” people on community payback schemes would have increased the stigma faced by people with criminal convictions and could have done severe and long-lasting damage to families and children with parents in the criminal justice system.

Over 20 organisations and individuals came together to express deep concern about the clause in a joint letter sent to the justice and education secretaries. They pointed out that the proposal would have done little to improve rehabilitation or reduce reoffending, making it harder for people to find employment or accommodation. It is welcome that ministers have responded to these concerns.

What happens now?

Some changes will need to be turned into detailed written policies before they can come into force.

This means it is likely to be a while before we know when many changes will come into force, and the detail of how they will be applied.

The Government have indicated that changes relating to earned progression will happen in the Autumn but we have no specific date at this stage.

We will be working to gather information from officials as soon as it is available and will be updating our information when we have any significant new information.

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN**

You do not need to use a stamp.