

The Sentencing Act (September 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.

IMPORTANT NOTE

As you may be aware, the early releases introduced by the Sentencing Act 2026 have received significant attention in the media. This has led to exclusions being created for some types of offences (see page 3 and pages 14–16).

At the time of writing, we cannot guarantee that no further exclusions, changes or delays will be introduced. In the event of further changes, we will aim to update our resources as soon as we have clear and reliable information.

We appreciate that the uncertainty of the situation is incredibly difficult for people in prison and their families, but we strongly advise waiting for sentence calculations from the prison before making any assumptions about release dates.

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 3–6**
- Removal of Home Detention Curfew (HDC) for adults – **page 7**
- Changes to Fixed Term Recall (FTR) – **page 8**
- Additional licence conditions, including restriction zones, and prohibition from driving, public events and drinking establishments – **pages 9–10**
- Changes to termination of IPP licence – **page 11**
- Removal of minimum custodial period for the Early Removal Scheme (ERS) – **page 12**

Recent updates

When the Sentencing Act became law many of the changes were not yet commenced, which means the changes were not yet in force.

Some of the changes have now commenced or have since been given commencement dates:

Earned progression model (early releases)

- A commencement order laid on 8 June 2026 confirmed the dates for the introduction of the earned progression model, which makes changes to release points for Standard Determinate Sentences (SDS).
- This commencement order has since been amended due to the addition of exclusions described below.
- On 4 August the Government announced new exclusions for people serving sentences for rape, serious child sex and other grooming offences. This has also delayed the original date of commencement for early releases from 2 September to 1 October.
- On 30 August the Government announced further exclusions covering manslaughter, death by drunk or dangerous driving and historic child sex offences.
- There is more information about this on pages 3–6.

Home detention curfew (HDC)

- HMPPS have confirmed that HDC will no longer be routinely available from 2 September. There is more information about this on page 7.

IPP

- Changes to termination of IPP licence commenced on 1 June 2026. There is more information about this on page 11.

Adjudications

- A Statutory Instrument was laid on 22 June 2026 which increases the number of additional days an Independent Adjudicator can impose. There is more information on page 4.

Changes to release for Standard Determinate Sentences (SDS)

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

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.

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).

If you are serving an Extended Determinate Sentence (EDS) you will not be eligible for earlier release under the earned progression model.

Exclusions from the earned progression model

On 4 August 2026 the Government announced new exclusions from the earned progression model for people serving sentences for rape, serious child sex and other grooming offences. This means the above will no longer apply if you are serving a sentence for one of these offences.

On 30 August the Government announced further exclusions for offences involving unlawful killing, including manslaughter and death by drunk or dangerous driving, as well as some sex offences not included in the previous exclusions.

We have included the full list of excluded offences at the end of this information sheet. If you are unsure whether this applies to you, please speak to your POM or wait for your release date to be confirmed by the prison.

At the time of writing, we cannot guarantee that no further exclusions, changes or delays will be introduced. In the event of further changes, we will aim to update our resources as soon as we have clear and reliable 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.

The review described that under an 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 you have been given extra days for breaking prison rules.
2. Intensive supervision in the community – you are released into the community on licence, in what is described as an intensive supervision period. This includes regular appointments, licence conditions and could include electronic monitoring.
3. Final period on licence in the community – you remain on licence but not subject to active supervision unless under Multi-agency public protection arrangements (MAPPA) or some other offence types.

How will the earned progression model work?

Although the early release will be automatic for people on relevant sentences, if you break prison rules you could be given extra days through the adjudication system.

From 2 September the maximum number of additional days an Independent Adjudicator can impose per incident will increase from 42 to 84 days.

There will be no cap to the total number of days a person could get.

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

When will the changes apply to my sentence?

When the earlier release applies to you depends on how long your sentence is.

The changes are being staggered by sentence length over a ten-month period. This means the changes will not impact those on longer sentences until later next year.

The changes were originally due to come into force from 2 September 2026 for shorter sentences (under 575 days). This has now been delayed to 1 October due to the review of the early release scheme which took place this month. The commencement dates for the tranches following this will then stay as expected.

Staff are in the process of recalculating sentences of all those affected by the changes. This is expected to take a number of weeks so please be aware you may not get your recalculated release date straight away.

Key points about the earned progression model (early release)

- The changes to release will NOT apply to everyone from 1 October – when the changes apply is being staggered by monthly tranches according to sentence length (see next page).
- If you are serving a longer sentence, you will not become eligible for earlier release until the later tranches which go up until June 2027.
- Not everyone serving an SDS or SDS+ will be released earlier than they currently expect to be. This could be for a number of reasons, including:
 - If you are serving more than one sentence type
 - If you were expecting release on HDC after 2 September
 - If the tranche date which applies to your sentence length takes place after your current automatic release.
 - If you are serving a sentence which has now been excluded from the scheme.
- Sentence calculation is complex. **We strongly advise waiting for your official recalculated release date from prison staff before making any assumptions.**
- All sentence recalculations are now expected to be completed by mid October, with earlier tranches prioritised.
- At time of writing the early releases are still in the news and we do not know if this will lead to further exclusions, changes or delays beyond what is included in this information sheet. We aim to update our resources as quickly as we are able to access clear and reliable information when changes do occur.

Below are the dates that changes are expected to come into place for you depending on your sentence length.

- a) 1st October 2026, if your sentence is less than 575 days
- b) 13th October 2026, if your sentence is greater than 574 days and less than 883 days
- c) 10th November 2026, if your sentence is greater than 882 days and less than 1163 days
- d) 8th December 2026, if your sentence is greater than 1162 days and less than 1562 days
- e) 12th January 2027, if your sentence is greater than 1561 days and less than 2122 days
- f) 9th February 2027, if your sentence is greater than 2121 days and less than 2759 days
- g) 9th March 2027, if your sentence is greater than 2758 days and less than 3284 days
- h) 13th April 2027, if your sentence is greater than 3283 days and less than 3655 days
- i) 11th May 2027, if your sentence is greater than 3654 days and less than 4397 days
- j) 8th June 2027, if your sentence is greater than 4396 days

The dates above are not release dates for those sentence lengths. The given dates are when the release changes will apply to sentences of that length.

The resulting release date will be different depending on how far into your sentence you are.

For people who have passed the 33% point by the date it applies to their sentence length, they will be released on that date.

For people who have not passed the 33% point by the date it applies to their sentence length, they will be released when they reach the 33% point of their sentence.

We strongly advise waiting for your official recalculated release date before making any assumptions about what these dates mean for you.

Changes to Home Detention Curfew (HDC)

Changes have also been made to Home Detention Curfew (HDC).

HMPPS has confirmed that from 2 September 2026, HDC will no longer be routinely available for adults.

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

This change has currently been made in policy, rather than using changes in the law made available by the Sentencing Act.

What does this mean for me?

- If your HDC referral has been processed before 25 June 2026 and your eligibility date (HDCED) is before 2 September 2026, you will receive HDC in the usual way.
- If your referral hasn't been processed by 25 June or your eligibility date is after 2 September 2026, you can no longer be released on HDC.

Unfortunately, this means if you were expecting to be released on an HDC eligibility date after 2 September, you may now be released later than expected, even if you are eligible for earlier release.

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

HDC remains available for some youth sentences.

Electronic Monitoring (also known as tag)

The prison service has advised that:

From 2 September 2026, most eligible prisoners released in tranches from their new release date will be subject to electronic monitoring (a tag) as part of their licence conditions.

Your probation officer will confirm the details of any monitoring requirements before you are released.

Changes to Fixed Term Recall (FTR)

The Act has increased the length of Fixed Term Recalls (FTR) to 56 days for adults serving standard determinate sentences (SDS), irrespective of sentence length.

These changes came into force on 31 March 2026.

The change to 56 days follows a change in law in September 2025 which meant that most people serving an 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

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.

These conditions will be available from 1 October 2026, in line with the recently updated *Licence Conditions Policy Framework*. There is also information in *Annex A: Additional licence conditions criteria and table* which provides guidance to probation staff for each additional licence condition available.

Please contact us if you would like us to send you one of these documents or a copy of one of our information sheets:

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

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.

The updated Licence Conditions Policy Framework states that restriction zones may only be used in the following cases:

- You are managed at Tier A or B level in most cases.
- You have been convicted of a serious sexual or violent offence listed in schedule 15 of the Criminal Justice Act 2003, are subject to a custodial sentence of 12 months or more, and the offence is eligible for the Victim Contact Scheme (VCS).
- Other additional licence conditions, including exclusion zones, have been assessed as insufficient to manage the risk posed, and confinement within a defined geographic area is considered necessary.

There is more information about the use of this conditions in the *Licence Conditions Policy Framework*.

Changes to licence termination for IPP and DPP

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

These changes came into force on 1 June 2026.

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.

- 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.

The Howard League has produced an excellent guide about licence termination in collaboration with Prisoners' Advice Service and PRT. Please contact us if you would like us to send you a copy of *Terminating your IPP licence: a legal guide*.

Recent announcements regarding IPP sentences

If you are serving an IPP sentence you may be aware that the Government has recently announced that it wants to 'end the historic injustice of IPP sentences'. You should have received a notice about this through the prison.

There is currently no detail about how they intend to do this. There is also limited information about when they will make any changes. The Government have stated that they want to bring forward legislation by the end of this parliament, which means by July 2029.

Any changes will require changes in the law which takes time and would need to be approved by Parliament.

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*.

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.

The following is copied from Gov.uk, published on 4 August 2026 and updated on 30 August 2026.

Sentencing Act 2026 Offence Exclusions

The Sentencing Act Progression model applies only to offenders serving Standard Determinate Sentences. More than 18,000 offenders serving more serious sentences like Life and Extended Determinate Sentences are already not eligible for Progression. Following a review of the policy additional offence-based exclusions have been introduced. Rape, serious child sex and grooming offences were excluded from the changes, as announced on 4 August 2026. Further exclusions have also now been introduced for offences relating to unlawful killing and the offence of indecent assault. The list below sets out these offence-based exclusions in full.

Common Law

- An offence of Manslaughter

Offences Against the Person Act 1861

- An offence under section 4 of the Offences Against the Person Act 1861 (solicitation of murder)

Infant Life (Preservation) Act 1929

- An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933

- An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children under 16)

Infanticide Act 1938

- An offence under section 1 of the Infanticide Act 1938 (infanticide)

Sexual Offences Act 1956

- An offence under section 1 of the Sexual Offences Act 1956 (rape of woman or man)
- An offence under section 5 of the Sexual Offences Act 1956 (intercourse with a girl under thirteen)
- An offence under section 6 of the Sexual Offences Act 1956 (intercourse with girl between thirteen and sixteen)
- An offence under section 10 of the Sexual Offences Act 1956 (incest by a man)
- An offence under section 14 of the Sexual Offences Act 1956 (indecent assault on a woman)

- An offence under section 15 Sexual Offences Act 1956 (indecent assault on a man)
- An offence under section 19 of the Sexual Offences Act 1956 (abduction of unmarried girl under eighteen from parent or guardian)
- An offence under section 20 of the Sexual Offences Act 1956 (abduction of unmarried girl under sixteen from parent or guardian)
- An offence under section 23 of the Sexual Offences Act 1956 (procurement of girl under twenty-one)
- An offence under section 25 of the Sexual Offences Act 1956 (permitting girl under thirteen to use premises for intercourse)
- An offence under section 26 of the Sexual Offences Act 1956 (permitting girl under sixteen to use premises for intercourse)
- An offence under section 28 of the Sexual Offences Act 1956 (Causing or encouraging the prostitution of, intercourse with or indecent assault on girl under sixteen)

Indecency with Children Act 1960

- An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child)

Suicide Act 1961

- An offence under section 2 of the Suicide Act 1961 (complicity in another's suicide)

Criminal Law Act 1977

- An offence under section 54 of the Criminal Law Act 1977 (inciting girl under sixteen to have incestuous sexual intercourse)

Protection of Children Act 1978

- An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children)

Criminal Justice Act 1988

- An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of child)

Road Traffic Act 1988

- An offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving)
- An offence under section 2B of the Road Traffic Act 1988 (causing death by careless or inconsiderate driving)
- An offence under section 3ZB of the Road Traffic Act 1988 (causing death by driving: unlicensed or uninsured drivers)

- An offence under section 3ZC of the Road Traffic Act 1988 (causing death by driving: disqualified driver)
- An offence under section 3A of the Road Traffic Act 1988 (causing death by careless driving under influence drink or drugs)
- An offence under section 27A of the Road Traffic Act 1988 (causing death by dangerous cycling)
- An offence under section 28B of the Road Traffic Act 1988 (causing death by careless or inconsiderate cycling)

Dangerous Dogs Act 1991

- An offence under section 3 of the Dangerous Dogs Act 1991 (keeping dogs under proper control)

Aviation and Maritime Security Act 1990

- An offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes)

International Criminal Court Act 2001

- An offence under section 51 of the International Criminal Court Act 2001 (genocide, crimes against humanity and war crimes)

Sexual Offences Act 2003

- An offence under section 1 of the Sexual Offences Act 2003 (rape)
- An offence under section 5 of the Sexual Offences Act 2003 (rape of a child under 13)
- An offence under section 6 of the Sexual Offences Act 2003 (assault of a child under 13 by penetration)
- An offence under section 7 of the Sexual Offences Act 2003 (sexual assault of a child under 13)
- An offence under section 8 of the Sexual Offences Act 2003 (causing or inciting a child under 13 to engage in sexual activity)
- An offence under section 8A of the Sexual Offences Act 2003 (rape of a child under 16)
- An offence under section 8B of the Sexual Offences Act 2003 (assault of a child under 16 by penetration)
- An offence under section 8C of the Sexual Offences Act 2003 (causing or inciting a child under 16 to engage in sexual activity involving penetration)
- An offence under section 9 of the Sexual Offences Act 2003 (sexual activity with a child)
- An offence under section 10 of the Sexual Offences Act 2003 (causing or inciting a child to engage in sexual activity)
- An offence under section 11 of the Sexual Offences Act 2003 (engaging in sexual activity in the presence of a child)

- An offence under section 12 of the Sexual Offences Act 2003 (causing a child to watch a sexual act)
- An offence under section 13 of the Sexual Offences Act 2003 (child sex offences committed by children or young persons)
- An offence under section 14 of the Sexual Offences Act 2003 (arranging or facilitating commission of a child sex offence)
- An offence under section 15 of the Sexual Offences Act 2003 (meeting a child following sexual grooming etc.)
- An offence under section 16 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity with a child)
- An offence under section 17 of the Sexual Offences Act 2003 (abuse of position of trust: causing or inciting a child to engage in sexual activity)
- An offence under section 18 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity in the presence of a child)
- An offence under section 19 of the Sexual Offences Act 2003 (abuse of position of trust: causing a child to watch a sexual act)
- An offence under section 25 of the Sexual Offences Act 2003 (sexual activity with a child family member)
- An offence under section 26 of the Sexual Offences Act 2003 (inciting a child family member to engage in sexual activity)
- An offence under section 47 of the Sexual Offences Act 2003 (paying for sexual services of a child)
- An offence under section 48 of the Sexual Offences Act 2003 (causing or inciting sexual exploitation of a child)
- An offence under section 49 of the Sexual Offences Act 2003 (controlling a child in relation to sexual exploitation)
- An offence under section 50 of the Sexual Offences Act 2003 (arranging or facilitating sexual exploitation of a child)

Domestic Violence, Crime and Victims Act 2004

- An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

All inchoate offences of those above, and of the offence of murder:

- An offence of attempting to commit one of these offences
- An offence of conspiracy to commit one of these offences
- An offence of incitement to commit one of these offences
- An offence under Part 2 of the Serious Crime Act 2007 in relation to one of these offences
- An offence of aiding, abetting, counselling or procuring the commission of one of these offences
- Equivalent Services Offences