



HM Prison &  
Probation Service

**Briefing Note:**  
**Probation Service operational implementation of the  
Sentencing Act 2026 and changes relevant to court practice**

**To:** All Crown Court Judges

**From:** HMPPS (Nick Poyntz, Deputy Director, Courts & Custody Group; Gordon Callum, Head of Practice & Learning, Probation Court Strategy & Change Team)

**Date:** 12 February 2026

### Purpose

We are writing to advise you of the Probation Service's plans to respond to key changes arising from the Sentencing Act 2026 and to outline how we will be implementing these changes in practice.

### Background - Implementation approach

We are preparing for the phased implementation of the Sentencing Act 2026, with commencement dates for most provisions affecting court practice spanning February to April 2026. Further changes are due to be implemented this autumn, primarily affecting the management of community sentences.

The initial phase of implementation focuses on the following provisions of the Act relevant to court processes:

- Presumption against short sentences
- Extension of Suspended Sentence Orders
- Extension of Deferred Sentence Orders
- Unpaid Work – Removal of 12-month requirement
- Abolition of Post-Sentence Supervision

We also wish to highlight a related change in practice relating to the preparation of pre-sentence reports.

### Sentencing Act (2026) – Implementation Detail

#### **Presumption against short sentences:**

We recognise that it will be for the court to decide

- whether it is of the opinion that there are exceptional circumstances not to impose a suspended sentence order where the presumption applies (“Exceptional circumstances”)
- whether it is of the opinion that there is a significant risk of harm to a particular individual (“The significant risk exception”) disapplying the presumption.

Where a court requests a pre-sentence report to inform its decision making, the report will therefore not make any recommendation on whether there are exceptional circumstances, or the significant risk exception applies. The PSR will continue to provide the court with the

same assessment of risks, behaviours and needs as is current practice, thereby supporting the court to reach an opinion.

### **Extension of Suspended Sentence Orders:**

We do not anticipate any operational change as a result of changes to the maximum operational period or the maximum custodial term that may be suspended.

Although any outstanding Unpaid Work hours can be completed after the supervision requirement has expired (or ended) during the operational period up to a maximum of 3 years, we will continue to stipulate that Unpaid Work hours should always be completed at the earliest opportunity.

We do expect that over time we may see an increase in breach numbers resulting from the increase in the imposition of more and longer suspended sentence orders.

### **Extension of Deferred Sentence Orders:**

There is no change to operational delivery other than a recognition that a court may decide to impose a deferment order for a longer period. The existing approach to the use of deferment orders will continue, and the 'limited' scenarios under which this option should be considered within a pre-sentence report remain unaltered.

### **Unpaid Work – Removal of 12-month requirement:**

This change removes the administrative burden and impact on court listings of preparing and returning a case to court. We recognise that the legal expectation under the Sentencing Code is for the Unpaid Work requirement to be completed by the end date of the community order.

We will write to individuals with active extensions before the implementation date to inform them of the change and re-issue work instructions.

### **Abolition of Post Sentence Supervision:**

From 30 April 2026 no new Post Sentence Supervision requirements will be issued, and all existing Post Sentence Supervision requirements will terminate. Anyone who is released on or after this date will solely be managed on licence. However, Supervision Default Orders and other sanctions for breach will still be delivered.

We will gradually bring Post Sentence Supervision activity to an end from early February 2026 to ensure that cases are closed safely and meaningfully on 30 April. Probation Practitioners will be using this time to:

- Complete outstanding work with individuals
- Ensure proper case closure
- Inform partner agencies

### **Transition to a single written pre-sentence report format:**

From 23 February, we intend that all written pre-sentence reports will be prepared using the current Short Format Report template. This represents a change in format rather than content and is intended to align with the regional piloting of the single PSR template.

Where a report is complex and/or a dangerousness assessment is required, practitioners will continue to provide the court with the same comprehensive analysis, assessment and information required to assist the court in determining the most suitable sentence. All relevant material currently provided within Standard Delivery Reports will continue to be included, albeit within a more streamlined structure. Courts should not experience any reduction in the quality, depth or usefulness of the pre-sentence information provided as a result of this change.

### Key Implementation Dates

- **23 February** – All written reports will begin to be written on the Short Format Report template. (Note: For a short transition period sentencers may continue to see complex/dangerousness reports written on the current Standard Delivery Report template).
- **22 March** – Implementation of the Presumption against short sentences, Extension of Suspended Sentence Orders and Extension of Deferred Sentence Orders
- **30 April** – Implementation of Unpaid Work – Removal of 12-month requirement and Post Sentence Supervision changes.

Should you have any additional questions please do make contact with your local probation court management team, who will be happy to assist you.