

Guidance for Applications for Public Hearings

October 2022 (v0.1)

Introduction

The Parole Board Rules 2019 (as amended) (“the Rules”) came into effect on 21 July 2022.¹ For the first time, the Rules made provision for Parole Board hearings to take place in public. Under the Rules, an application for a public hearing can be made by anyone (including a prisoner, a victim, and a member of the public) and it is for the Chair of the Parole Board to decide whether to hold a hearing in public or not, applying an ‘interests of justice’ test.

All applications for a public hearing should be made on the application form (which can be found on the Parole Board website titled ‘Application for a Public Parole Review’) and must be sent to the designated inbox at public.hearings@paroleboard.gov.uk. Once all of the relevant information has been received and all views have been sought, the application will either be granted or refused by the Chair of the Parole Board.

All decisions on public hearing applications will be published on the Board’s website.

Application for a Public Hearing

Once received, the application will be sifted by the Parole Board legal team to ensure that it meets the relevant criteria (set out below) and will be:

- Accepted as it is and progressed; or
- Rejected (for reasons such as being too late and outside the 12 week window); and/or
- Followed up with a request further information.

The relevant criteria are as follows:

- The application must relate to a case which has an active review; and
- The application must be received at least 12 weeks before the hearing (if one has been listed).

Given that this is a new process, some applications have been allowed outside of the 12-week window. However, any application received on or after 1st December 2022 where there is less than 12 weeks before the date of the hearing will be rejected as being out of time. Exceptionally, a panel chair or duty member can use the power set in rule 9 to alter the 12-week time frame. However, this should only be done in very exceptional cases. The starting point will be that the time frame set out in the Rules should be followed unless there is a very good reason not to. A

¹ The exception to this is the change to Rule 28(1) to enable reconsideration applications to be made for IPP termination decision, which came into force on 1st September 2022

request to accept a late application must be made at the same time as the application (unless an application to extend the time period is received before an application for a public hearing is submitted).

Where an application meets the relevant criteria (see above), a request for representations from all interested parties in response to the application will be sought.

A copy of the redacted application submitted will be sent to interested parties and a period of 14 days will be provided for representations to be received depending on the hearing date. This timeframe may be amended if there is less than 12-weeks before the date of the hearing.

The interested parties who will be contacted to provide representations are:

- The Secretary of State for Justice.
- The representative for the prisoner, or the prisoner themselves if they are unrepresented.
- Victims (via the VLO).
- The Panel Chair of the hearing (if one has been allocated).

Once representations have been received from the interested parties, the application will be put before the Chair of the Parole Board to make their decision. The timeframe for making a decision is between 6 to 8 weeks following the receipt of the application. Should the Chair of the Board require further details/information after considering the representations, directions may be set allowing for a period of up to 7 days for this information to be provided.

Decision making process

When making their decision, the Chair of the Board will consider all of the information submitted in respect of the application for a public hearing as well as the following factors (which are non-exhaustive):

- Whether it will be in the interests of justice for the hearing to be held in public;
- Whether witnesses (including the prisoner) will be able to give their best evidence if the hearing were to be held in public;
- Whether a public hearing might compromise the Parole Board's ability to carry out its core function, which is to assess risk on all the evidence;
- Whether there is a good reason or reasons to justify a departure from the general rule which is that all parole hearings should remain in private;

- whether there are any particular special features in the case (which set it apart from other cases) which may add to proper public understanding of the Parole system and public debate about it and which particularly warrant a public hearing;
- the wishes of the victim(s);
- any risks of undue emotional stress and/or re-traumatisation of the victims including an adverse effect upon the mental health of the victim or the victim's family in the short or long term;
- the victim's right to attend parts of the hearing in any event;
- the (informed) wishes of the prisoner;
- any particular vulnerability of the prisoner by reason of age and/or mental disorder;
- any risks to the safety of the prisoner;
- any risks of undue emotional stress to the prisoner;
- the Parole Board's power to exclude witnesses from the hearing and/or hold part of the proceedings in private where evidence is especially personal, confidential or sensitive;
- any difficulties in confining personal, confidential or sensitive to a private part of the hearing;
- any significant risks of inhibiting open and honest discussion during the hearing;
- the availability of summaries to the public in any event; and
- the ability to make practical arrangements for a public hearing without a disproportionate burden upon the Parole Board.

Decision

Once the Chair of the Board has made their decision on whether the application for a public hearing is granted or refused, the decision will be issued to the applicant and all other interested parties. In line with our transparency agenda, the decision will be published on the Parole Board website on the same day.

Once a hearing is made public, all those wishing to attend must complete the relevant registration form. Attendance will be on a first come first served bases, so to acquire a form, prospective attendees must email public.hearings@paroleboard.gov.uk.

Please note, all those wishing to attend the public hearing must register, regardless of whether they made the application for the hearing to be

made public. Only the parties to the proceedings are able to attend the hearing without needing to register their attendance. It should be noted that where an application for a public hearing has been granted, it is highly likely that parts of the hearing will still remain private. This is to allow discussions around personal matters such as medical information, possible resettlement plans and licence conditions.

If an application has been refused, the hearing will remain private. It may still be possible for the applicant to attend as an observer. A separate request to the panel chair (or duty member if a panel chair is not allocated) will need to be made to do so.

The only way to challenge a decision on an application for a public hearing is by way of judicial review.

Below is a flow chart of how the application process works:



