

Stakeholder Information

Case Management Conferences and Directions Hearings

This document provides information about case management conferences and directions hearings, which are options that can be considered to assist in progressing parole reviews. This document explains the differences between a case management conference and a directions hearing, and when each might be appropriate.

Background

In 2018 the Parole Board commenced a pilot to trial case management conferences with a group of its members, as part of the larger COMPASS project. COMPASS was a project established to look at improving the overall deferral rate of oral hearings, particularly those made on the day.

Case management conferences were developed to provide an alternative option to holding a directions hearing (although both are convened under rule 7). The initial pilot was for cases already directed to oral hearing, but when rolled out into business as usual, the option was expanded to include cases at the Member Case Assessment (MCA) stage.

Case management conferences and directions hearings are available for all cases and can be requested by either party. The final decision to direct rests with the Parole Board, either with the appointed MCA panel or oral hearing panel chair.

The Parole Board Rules 2019 (as amended)

The Parole Board Rules 2019 (as amended) (“the Rules”), which came into force on 21 July 2022¹, include amendments to legislation on directions hearings, and provide a statutory footing for case management conferences.

Rule 7 specifically deals with case management conferences and directions hearings, with rule 6 also providing related provisions. The wording of rule 7 can be found at Annex A.

Any questions or queries about case management conferences or directions hearings should be addressed to the Parole Board case manager in the first instance.

¹ From 1st September 2022, the Parole Board Rules 2019 (as amended) brought licence termination decisions in scope for reconsideration.



Case Management Conferences

Case management conferences are convened under rule 7 of the Rules. See annex A for the full wording.

Case management conferences are a way for the MCA panel or oral hearing panel chair and the parties to come together for a short discussion (a light touch approach) to resolve an identified issue or query, usually by teleconference or video-link via MS Teams. The aim is to problem solve to avoid an adjournment or deferral of the review, by identifying and resolving issues, for example, shortfalls in information, non-compliance with directions or developments in the case during or following the MCA review.

Requesting a Case Management Conference

The MCA panel or oral hearing panel chair can direct a case management conference, as set out in rule 6(3), at any stage where they assess that it would help progress a case.

Only a party to the proceedings: the Public Protection Casework Section (PPCS), on behalf of the Secretary of State, or the prisoner/prisoner's representative can submit a request for a case management conference. A request must be submitted via a [Stakeholder Response Form \(SHRF\)](#) to the Parole Board case manager. The final decision as to whether a case management conference is required rests with the MCA panel or oral hearing panel chair.

Each party will be given the opportunity to submit representations in respect of any request for a case management conference, and these representations will be considered by the MCA panel or oral hearing panel chair. All representations must be submitted within seven days of being informed of the request, to avoid delay.

Where a request for a case management conference is agreed, the Parole Board must give 14 days' notice to the parties as set out in rule 7(3), although this timescale can be varied under rule 9 if appropriate. The Parole Board must provide the date, time, place, and method of the hearing. If the MCA panel or oral hearing panel chair wishes to vary timescales, they should give notice to the parties so that representations can be submitted, as needed, before the case management conference takes place.

Circumstances for a Case Management Conference

A case management conference can prove useful at the MCA stage, where the case is being considered by the Parole Board for the first time. At this stage, a case management conference can be convened to discuss, for example, what further information might allow a review to be completed on the papers, or to set directions for an effective oral hearing.

In some instances, developments following the MCA paper assessment, where the case has been directed to oral hearing but a date has not yet been set, can lead to unforeseen delay, often resulting in an adjournment or deferral.

A case management conference can potentially address such developments swiftly and enable the case to be actively managed to unstick it.

Case management conferences are more often directed by an oral hearing panel chair where a date for an oral hearing has already been set and where a query or issue has been raised, or there is a lack of clarity about the way forward for a particular direction or arrangement.

It may be a single issue that requires the relevant attendees to come together to find a solution, such as who is going to take responsibility for making a particular arrangement or enquiry. However, it could be part of a more complex set of circumstances where, for example, logistics need to be agreed for a range of people to carry out tasks in a certain order and each is dependent upon the other.

Examples of when a case management conference might assist (this list is non-exhaustive):

- There is non-compliance with a particular direction;
- There are issues or complexity with logistics for an oral hearing, for example multiple witnesses, interpreter requirements etc;
- To resolve a query over witness attendance, to seek clarity about the attendance of a particular witness or a nominated delegate (once any escalation measures have been exhausted);
- To briefly explore any request to defer or adjourn if the reasons are not clear;
- To follow up on an oral hearing that has taken place by clarifying a small point or issue, without the need to hold a further oral hearing.

The following examples may also be reasons for a case management conference although, depending on the complexity, a directions hearing may be more appropriate:

- To ascertain why a particular issue is failing to be resolved;
- To establish the position on outstanding court proceedings and/or additional charges;
- To ascertain further information related to a non-disclosure application;
- A need to discuss a particular matter with an author of a report prior to the hearing;
- There may be concerns about mental health or mental capacity that require attention.

A case management conference should not be used to discuss evidence. If evidence needs to be included as part of a discussion, then a directions hearing will most likely be more appropriate (but note, even at a directions hearing evidence can only be discussed but not taken).

Case Management Conference Attendees

A case management conference will typically involve only the relevant people needed to find a way forward swiftly and effectively on a particular issue or range of issues, to avoid potential delay.

For a short and focused turn around, the case management conference might only include the MCA panel or oral hearing panel chair, the prisoner's representative (if there is one), and someone representing the Secretary of State, although other attendees *may* be identified as needing to attend.

There may be occasions where a co-panellist, either from a multi-member MCA panel or an oral hearing panel, will also attend. This would most likely be where there is an issue concerning specialist involvement or an assessment and there is a specialist member on the panel whose expertise will be helpful.

Where an oral hearing has already been directed, it is unlikely that all witnesses who are required at the oral hearing will also be required at a case management conference. For example, if an issue relates only to the involvement or contribution of one witness, only that witness may be needed.

The prisoner should be offered the opportunity to attend, irrespective of whether they are represented. The decision to attend will be their choice.

The prisoner's representative (if there is one) and a representative of the Secretary of State, usually a team manager from PPCS (who will be appointed by a PPCS senior manager), must also be invited. They may decide they do not need to attend, depending on the nature of the discussions to be had.

Attendees at a case management conference may suggest ways forward, including suggesting possible directions to be issued, and/or proposing engagement with third-party agencies with the aim of ensuring an effective review can proceed.

Planning the Case Management Conference

The MCA panel or oral hearing panel chair will issue directions setting out why the case management conference is required and confirm which participants should attend.

Case management conferences will usually be held in private, as set out in rule 15(3) via teleconference, video-link or other virtual arrangement. Whilst it is possible for a case management conference to be held in public it would require the Chair of the Parole Board to consider this. It would need to be in the interests of justice, and it would be difficult to envisage where procedural and/or preparatory work would need to take place in public and so it is anticipated that this would be very rare.

Case management conferences should be digitally recorded. The MCA panel or oral hearing panel chair should ensure all participants are aware that the recording is taking place.

Typically, case management conferences should take approximately 30 minutes.

The Parole Board case manager will liaise with the attendees to find a mutually convenient date and time. Required attendees are asked to provide as much flexibility as possible, when asked to give their availability.

Attendees can take part in the case management conference at a location they consider appropriate, as long as the line is secure, the connection is stable and reliable, and the discussion can be held in private with no distractions or background noise. No other persons except those directed should be in attendance unless agreement has been given in advance by the MCA panel or oral hearing panel chair.

At least 14 calendar days' notice of the date of the case management conference should be given to attendees (although this may be varied using rule 9 where required).

Once a date has been agreed, a case management conference timetable will be issued. The timetable will include the conference dial-in number and access code. Required attendees should call the conference number at the time specified on the timetable, and they will be prompted to provide the access code. They will then join the case management conference with the MCA panel or oral hearing panel chair and other attendees, as appropriate.

Case Management Conference Outcome

The actions agreed at the case management conference will usually be documented by way of MCA directions or panel chair directions and issued to the parties ordinarily within 14 days following the conference.

These directions will outline who attended, a brief note of the discussion, as well as key outcomes and actions with deadlines. In some cases, where the issue was simple or related to a logistical arrangement, there may not be any directions as long as the action or way forward was verbally agreed at the conference and there is no need to notify anyone else involved in the review.

It is important to note that a scheduled oral hearing, if there is one, will still take place and all directed witnesses are still required to attend the oral hearing, unless otherwise informed by the oral hearing panel chair.

In summary, at a case management conference:

- The panel chair ordinarily sits alone;
- The prisoner's representative (if there is one) and someone representing the Secretary of State must be invited;
- the prisoner may or may not attend by choice (although their attendance is not normally needed);
- Only the relevant witnesses are required to attend;
- Evidence should not be discussed or taken;
- Directions may be issued, where considered necessary;
- The proceedings will be digitally recorded and must be held in private.

Directions Hearings

Directions hearings are convened under rule 7 of the Rules. See annex A for the full wording.

Directions hearings are an option that can be used to identify or resolve issues, particularly in complex or “stuck” cases, that may arise during a parole review. The aim is to problem solve to avoid an adjournment or deferral of the review. It is a more detailed hearing than a case management conference.

A directions hearing can be useful for working through issues that arise during an MCA review or, more usually, in preparation for an oral hearing.

Requesting a Directions Hearing

The MCA panel or oral hearing panel chair can direct a directions hearing at any stage, as set out in rule 6(3), where they assess that it would help progress a case.

Only a party to the proceedings: the PPCS, on behalf of the Secretary of State, or the prisoner/prisoner’s representative can submit a request for a directions hearing. A request must be submitted via an [SHRF](#) to the Parole Board case manager. The final decision as to whether a directions hearing is required rests with the MCA panel or oral hearing panel chair.

Each party will be given the opportunity to submit representations in respect of any request for a directions hearing, and these representations will be considered by the MCA panel or oral hearing panel chair. All representations must be submitted within 7 days of being informed of the request, to avoid delay.

Where a request is agreed, the Parole Board must give 14 days’ notice to the parties as set out in rule 7(3), although this timescale can be varied under rule 9 if appropriate. The Parole Board must provide the date, time, place, and method of the hearing. If the MCA panel or oral hearing panel chair wishes to vary timescales, they should give notice to the parties so that representations can be submitted, as needed, before the directions hearing takes place.

Circumstances for a Directions Hearing

A directions hearing might be convened at the MCA stage, where the MCA panel needs to unpick a complex matter, seek clarification from a range of witnesses, or establish other facts as part of the paper review process. A directions hearing may be required in order for the MCA panel to determine how to proceed with a case. Following a directions hearing, a case may get concluded on the papers, or directions are clarified and issued for an effective oral hearing.

More usually, a directions hearing will be directed where a case is progressing to oral hearing, but circumstances indicate that issues need to be resolved in order for the review to be more likely to conclude at the oral hearing. A directions hearing will normally take place ahead of the scheduled oral hearing. However, a scheduled oral hearing can be turned into a directions hearing on the day if issues have been identified very close to the date and there is insufficient time to meet beforehand, or where issues arise on the day.

Following an application for an oral hearing to be made public, or where there may be observers, which requires some aspects of the hearing to take place in private “*on camera*” a directions hearing will usually take place. In some cases, there may be an application for a public hearing, or for observers to attend the hearing, and consideration may need to be given to how this can be effectively managed on the day. In such circumstances a directions hearing is likely to take place to determine the appropriate logistics and arrangements for this to ensure a fair review.

Directions hearings can be particularly helpful in cases where there is multi-agency involvement. For example, cases involving mental health issues or where there is a prospect of release to specialised funded accommodation, or release involving a wider care package.

They tend to be directed where the issues or queries are more complex and are unlikely to be resolved or progressed through a case management conference.

Examples of when a directions hearing might assist (this list is non-exhaustive):

- To ascertain why a particular issue is failing to be resolved;
- To establish the position on outstanding court proceedings and/or additional charges;
- To ascertain further information related to a non-disclosure application;
- A need to discuss a particular matter with an author of a report prior to the hearing;
- There may be concerns about mental health or mental capacity that require attention.

The nature of evidence *may* be discussed – its likely scope and relevance, and the nature of new developments – but formal evidence *must not* be taken. That is, the nature of likely evidence can be considered but not the content of the evidence itself.

If an MCA panel or oral hearing panel chair decides that a directions hearing is necessary, they will indicate in the directions who needs to attend, with the reasons and issues to be considered. It is good practice for the MCA panel or oral hearing panel chair to involve the parties at the earliest opportunity.

Directions Hearing Attendees

The MCA panel or oral hearing panel chair can sit alone. Where there are co-panellists, they may also be in attendance.

The prisoner should be offered the opportunity to attend, irrespective of whether they are represented. The decision to attend will be their choice.

The prisoner’s representative (if there is one) and a representative of the Secretary of State, usually someone from PPCS (who will be appointed by a PPCS senior manager), must also be invited. They may decide they do not need to attend, depending on the nature of the discussions to be had.

The parties in attendance may include the prisoner and their representative (if there is one), officials including the Community Offender Manager and Prison Offender Manager, and potentially a Secretary of State Representative from PPCS (and on rare occasions possibly Counsel). Not all witnesses who may already be directed for an oral hearing will necessarily be required to attend a directions hearing.

A range of other relevant witnesses may be called, but they must be notified of the date, time, place, and method at least 14 days before the proposed day of the directions hearing by the Parole Board case manager.

At a directions hearing, the attendees may suggest ways forward, including recommending the direction of further reports or assessments, and offering views about timetabling arrangements or engagement with third-party agencies (particularly for developing wraparound services), with the aim of ensuring an effective review can proceed.

Planning the Directions Hearing

The MCA panel or oral hearing panel chair will issue directions setting out why the directions hearing is required and confirm which participants should attend.

Directions hearings will usually be held in private, as set out in rule 15(3). Whilst it is possible for a case management conference to be held in public it would require the Chair of the Parole Board to consider this. It would need to be in the interests of justice, and it would be difficult to envisage where procedural and/or preparatory work would need to take place in public and so it is anticipated that this would be very rare.

Directions hearings should be digitally recorded. The MCA panel or oral hearing panel chair should ensure all participants are aware that the recording is taking place.

Directions hearings, like most hearings, now take place remotely via teleconference or video-link. It can take some time to schedule directions hearings as they may require authors of specialist reports, or other agency representatives to attend. This can add to delay in progressing or concluding the case and a case management conference may, in some circumstances, be a more efficient way forward if the issue(s) are fairly straight-forward.

The Parole Board will provide at least 14 calendar days' notice of the date of the directions hearing (although this may be varied using rule 9 where required).

Once a date has been agreed, a directions hearing timetable will be issued. The timetable will include the dial-in number and access code. Required attendees should call the number at the time specified on the timetable, and they will be prompted to provide the access code. They will then join the hearing with the MCA panel or oral hearing panel chair and other attendees, as appropriate.

Directions Hearing Outcome

After a directions hearing, the MCA panel or oral hearing panel chair will issue directions which provide the background to the hearing, record who was present and their roles, and direct next steps with reasons.

It is important to note that a scheduled oral hearing, if there is one, will still take place and all directed witnesses are still required to attend the oral hearing, unless otherwise informed by the oral hearing panel chair.

In summary, at a directions hearing:

- the full panel may be present;
- the prisoner's representative (if there is one) and a representative of the Secretary of State must be invited;
- the prisoner may or may not attend by choice
- a wider range of witnesses may be required to attend than for a Case Management Conference; not all witnesses required at an oral hearing may necessarily be required at a Directions hearing ;
- evidence can be discussed, but not taken as it is not an oral hearing;
- a full set of directions will usually be issued;
- the Directions hearing is digitally recorded and must be held in private.

Directions hearings and case management conferences

7.—(1) A panel chair or duty member may hold a directions hearing or case management conference.

(2) A panel chair or duty member may direct that a third party attends a directions hearing or case management conference for any purpose as the panel chair or duty member considers appropriate.

(3) The panel chair or duty member must notify the parties at least 14 days before the day of the directions hearing or case management conference of the date, time, place and method fixed for the directions hearing or case management conference.

(4) In specifying the method fixed for the directions hearing or case management conference, the panel chair or duty member may direct that the directions hearing or case management conference is to take place at a specified location or via video link, telephone conference or other electronic means.

(5) ...

(6) A directions hearing or case management conference may proceed in the absence of a prisoner who is represented at the hearing, or an unrepresented prisoner who chooses not to attend.