



# HM Prison & Probation Service

## Secretary of State's Directions to the Parole Board 1 August 2023

### Transfer of indeterminate sentence prisoners (ISPs) to open conditions

#### **Suitability for Open Conditions Test**

1. The Secretary of State (or an official with delegated responsibility) will accept a recommendation from the Parole Board (to approve an ISP for open conditions) only where:
  - the prisoner has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open conditions may be in the community, unsupervised under licensed temporary release); and
  - the prisoner is assessed as low risk of abscond; and
  - there is a wholly persuasive case for transferring the ISP from closed to open conditions.

#### **Directions**

2. Before recommending the transfer of an ISP to open conditions, the Parole Board must consider:-
  - i. all information before it, including any written or oral evidence obtained by the Board;
  - ii. whether the following criteria are met:
    - the prisoner has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open conditions may be in the community, unsupervised under licensed temporary release); and
    - the prisoner is assessed as presenting a low risk of abscond.
3. The Parole Board must recommend a move to open conditions only where it is satisfied that the two criteria (as described at 2(ii)) are met.

#### TACT Prisoners

4. There is a presumption that a prisoner serving an indeterminate sentence for a specified terror or terror connected offence will be unsuitable for open conditions unless exceptional circumstances can be evidenced. Where the Secretary of State considers that exceptional circumstances may apply, the Parole Board will be invited to consider whether the ISP is suitable for a transfer to open conditions.
5. Before recommending that an ISP (as described at 4) be transferred to open conditions, the Parole Board must be satisfied that the exceptional circumstances have been evidenced, that the two criteria (as described at 2(ii)) are met.

#### Foreign National Prisoners

6. Pursuant to Prison Rules, an ISP who has been served with a deportation order and who has exhausted all their in country appeal rights is not eligible to be considered for open conditions. An ISP who is liable for deportation, but has not exhausted appeal rights may still be considered for transfer to open conditions.

7. Before recommending that a foreign national ISP (as described at 6) be transferred to open conditions, the Parole Board must be satisfied that the ISP presents as a **very low risk of abscond**, that the first criterion (as described at 2(ii)) is met.