



Ministry  
of Justice



HM Prison &  
Probation Service

## NEW PAROLE BOARD RULES 2019

### RECONSIDERATION MECHANISM

#### Parole Board Decisions for Restricted patients

Parole Board decisions have always been final as soon as they are made and could only be challenged through the courts. The new Parole Board Rules introduce a new **reconsideration mechanism** that will enable these decisions to be challenged where there appears to be something wrong with them.

This leaflet aims to ensure that restricted patients are:

- aware of the changes;
- the process for the reconsideration mechanism; and
- have the information needed to answer any questions they may have

The reconsideration mechanism applies to parole decisions issued from **22 July 2019** onwards.

#### Summary of the Reconsideration Mechanism

- Reconsideration will apply only to **decisions issued after the new Rules come into force on 22 July 2019.**
- Indeterminate sentences (Life sentences and IPP sentences), extended sentences and some determinate sentences where the Parole Board make the initial release decision can be reconsidered under this new mechanism– but it does not apply to recalled determinate sentence cases.
- Reconsideration is not a way to appeal a decision patients or others do not agree with - it is a way to challenge a decision that may be ‘procedurally’ unfair or ‘irrational’ which could be challenged in the courts. An example of procedural unfairness will be where reports sent to the Parole Board which support release have not been looked at by the Parole Board. An irrational decision could be the Parole Board making a decision which is the opposite of what the reports sent to them say and the Parole Board do not explain why they came to a different decision..
- Parole Board decisions will be provisional for 21 days once they are made to allow time for a reconsideration application.
- If no application is submitted in the 21-day period, the decision becomes final.
- The reconsideration begins only when the application is submitted to the Parole Board, so a final decision is very likely to take some time after that. The original decision remains provisional until then.
- **Patients cannot be released (and therefore discharged from hospital) until a decision becomes final. It will not become final for at least 21 days. The PPCS Reconsideration Team will confirm when a release decision has become final and the patient can be released.**

## RESTRICTED PATIENTS

- Applications to the Parole Board for reconsideration of the decision may come from either of the parties. Therefore, the Secretary of State or patients can submit an application for reconsideration. If patients want to do this then they should first speak to their legal representative or if they do not have one then the patient can request an application from the Parole Board at [reconsideration@paroleboard.gov.uk](mailto:reconsideration@paroleboard.gov.uk)
- Victims will be able to request reconsideration via a new team in the Ministry of Justice – who will decide whether to submit an application on their behalf from the Secretary of State.
- The Ministry of Justice is confident that the overwhelming majority of parole decisions are not seriously flawed, and therefore will not be reconsidered.

### **Any questions?**

If you have any questions about reconsideration, please contact:

[PPCSReconsiderationteam@justice.gov.uk](mailto:PPCSReconsiderationteam@justice.gov.uk)