

Prioritisation Framework for Paper Reviews under the Member Case Assessment Process

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Document History

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Overview

In line with rule 19 of the Parole Board Rules 2019 (as amended) ("the Rules"), every case referred to the Parole Board is required to go through a consideration on the papers, which is known as Member Case Assessment (MCA) process. MCA has been described as a form of 'triage' because each case, at the earliest opportunity (the point of referral), is considered by an accredited MCA panel. The panel determines whether the case can be concluded on the papers or sets out additional steps that are needed for the matter to be determined fairly and swiftly.

The Parole Board has adopted a general set of principles to guide its approach to the panelling of cases for paper review under the MCA process ("paper reviews"). These principles are set out in this Paper Review Prioritisation Framework (PRPF). They balance the need for the Board to manage its overall caseload with the Board's duty to provide a timely review of detention under Article 5(4) of the European Convention on Human Rights. They also balance the requirement for a speedy review with that of fairness to the prisoner, and the duty to protect the public, and minimise anxiety to victims.

The Parole Board will ensure that it makes the most efficient use of public resources available to it to maximise the number of paper reviews it undertakes each month. The Parole Board will remain flexible in its approach to panelling cases and will consider departing from the general principles set out below where there are good reasons to do so. The general approach to panelling paper reviews will be kept under review and may be subject to change to ensure that any variation in caseload can be managed efficiently and effectively.

Member Case Assessment (MCA)

The Parole Board will initially prioritise the cases that are ready for a paper review¹ and have been waiting for a panel date for more than 60 days (this applies to all case types). Cases will then be prioritised according to the date they were referred to the Parole Board. For a definition of this date for each type of case, please refer to the list below on page 6. The Parole Board will also reflect the individual circumstance of the case and provide equitable fairness across the different types of cases referred to it, as appropriate.

Please note: the initial prioritisation by date applies to all case types. It is only after the initial prioritisation by due date is completed, and where there is a choice between two cases for an available slot on an MCA panel, that the type of case will have any bearing on the panelling of the paper review. Further information is on pages 6 and 7.

There are some exceptions that sit outside of this approach which, where they meet certain criteria, are automatically prioritised for a paper review. Further information on these exceptions can be found on page 8.

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- 1 A case is ready for a Member Case Assessment paper review, when the dossier has been checked and representations have been received from the prisoner/legal representative or the deadline for representations has passed.
 - 2 Prioritisation by due date is where cases are allocated to an MCA member based on the date the case was referred to the Parole Board.

Representations

When a case is referred, the Parole Board will carry out an administrative check of the dossier to ensure it contains all the mandatory documents required by the Schedule to the Parole Board Rules 2019 (as amended). Once a dossier has been checked and the referral accepted, the Parole Board will contact the prisoner and/or their representative to request written representations prior to the paper review under the Member Case Assessment process. The timeframes allowed for the submission of representations are:

Review Type	Deadline for Representations
1. Indeterminate Sentenced Prisoners (ISP) – Pre-release reviews	28 days
2. ISP recall reviews	
3. GPP (Generic Parole Procedure) Terrorist Offenders (Restriction of Early Release) Act 2020 (TORERA) reviews	28 days
4. Power to Detain Reviews ³ – Standard Determinate Sentence Prisoners ¹ ;	28 days
5. First review at Parole Eligibility Date - Initial release - (Extended Determinate Sentence (EDS) (including EDS Recalls)/Sentence of Particular Concern (SOPC)/Determinate Conditional Release (DCR).	28 days
6. Further reviews after Parole Eligibility Date – (EDS/SOPC/DCR)	28 days
7. Advice cases - ISPs	28 days
8. Standard Determinate Sentence (SDS/Extended Sentenced Prisoners (ESP) Annual reviews after initial recall review	14 days
9. Standard Determinate Sentence Recalls (Extended Determinate Sentence)	14 days
10. Standard Determinate Sentence Recalls (Standard Determinate Sentence)	14 days

Prioritisation of MCA beyond the referral date

The Parole Board recognises that it needs to take a flexible approach to managing its caseload and resources, and that there may be circumstances which justify the panelling of a paper review to be prioritised. The Parole Board has, therefore, adopted a general and fair approach to panelling cases once they are referred by the Secretary of State.

³ The Power to Detain provision applies to prisoners who are serving an SDS sentence for offences, other than terrorism or terrorism connected offences, and where there are reasonable grounds, based on new or additional information, to believe that the prisoner poses an imminent and very high risk of committing a serious specified offence on release.

Cases will generally be panelled in accordance with their review type in the table below; -

<u>PRIORITY ORDER</u>	
Review Type	PPUD ⁴ Label
1. ISP – first review at tariff expiry (initial release – lifer and IPP) 2. ISP – further reviews after tariff expiry (lifer and IPP (Indeterminate Sentence for Public Protection))	zzzGPP-I GPP ISP On/Post Tariff
3. ISP Recall – initial recall review	zzzISP Recall ISP Recall Review
4. GPP TORERA 5. Power to Detain Review – Determinate Sentence prisoners whose risk of harm has escalated to ‘very high.’ 6. EDS, including EDS Recalls / SOPC / DCR – first review at Parole Eligibility Date (PED) – initial release. 7. EDS, including EDS Recalls / SOPC / DCR – further review after PED.	GPP TORERA Parole Review PTD Initial Review GPP EDS Parole Review / GPP DCR EPP Parole Review / GPP SOPC Parole Review
8. ISP – advice cases (lifer and IPP)	Advice Case DPP ISP Pre Tariff
9. EDS / SOPC / DCR – initial recall review	Standard 255c Recall Review (EDS)
10. SDS - Determinate Recalls – initial recall review	Standard 255c Recall Review
11. SDS /EDS/ESP prisoners – further reviews, referred after the initial recall review has been concluded	Further Review (Post Release) Annual Review ESP Annual Review
12. SDS Recalls -initial & further reviews with less than 10 weeks until their sentence expiry date (SED) at the point of referral.	Standard 255c Recall Review Further Review (Post Release) Annual Review

⁴ PPUD is the IT case management database used to manage and record all Parole Reviews.

Determinate Sentence Recall Cases

Determinate sentence recall cases are prioritised lower down the PRPF due to the sentence being determinate with a Sentence Expiry Date (SED). If a parole review has not taken place by the SED, a prisoner will automatically be released at that point.

Where a determinate sentence recall case is referred to the Parole Board within 10 weeks of the sentence expiry date (SED) at the point of referral, their case will no longer be prioritised unless there are exceptional circumstances, or a request to prioritise the paper review has been agreed by a duty member.

The 10-week cut-off will be reviewed at regular intervals and may change to reflect any changes in waiting times for a paper review.

Exceptions to the PRPF

The Parole Board has determined that certain cases must be prioritised for a paper review irrespective of their due date. These cases will be given priority for the next available MCA panel date after they become ready for the MCA process.

Prisoners under 18 years old (children)

The Parole Board will automatically prioritise, irrespective of review/ sentence type, the cases of prisoners who are under the age of 18 at the point of referral. The paper review will be panelled once the case is ready for the MCA process, on the next available panel date.

Prisoners serving a sentence of Detention for Public Protection (DPP)

The Parole Board will automatically prioritise, irrespective of the review status, the cases of prisoners serving a sentence of Detention for Public Protection (DPP), i.e., those prisoners who were sentenced as a young person. The paper review will be panelled once the case is ready for the MCA process, on the next available panel date.

Prisoners in a mental health setting

The Parole Board will automatically prioritise, irrespective of their review / sentence type, the following cases:

- Any prisoner residing within a secure hospital setting or mental health unit.
- Any prisoner where it is their first review by the Parole Board after discharge by a Mental Health Tribunal and they have been returned to prison.

The case will be panelled once the case is ready for the MCA process on the next available panel date.

Exceptional Circumstances

The Parole Board recognises that it needs to take a flexible approach to managing its caseload, and that there may be exceptional circumstances in particular cases which mean they should be prioritised. Where exceptional circumstances are put forward by the parties to the proceedings (The Secretary of State or the Prisoner) for higher prioritisation, the case will be put before a duty member for assessment. The duty member may direct that a case has a higher priority than would normally be indicated by the list above and/or its current referral date and should accordingly receive precedence. This should only be done in rare circumstances to ensure fairness to other prisoners waiting for a paper review.

Circumstances need to be sufficiently exceptional to warrant a case being given a higher priority in the MCA process than a standard case. The first consideration is whether it would be appropriate to prioritise a case as this can have significant consequences for other prisoners, in that their reviews may be unfairly delayed, despite their case having similar merits to the case being considered for prioritisation.

The duty member can decide to:

- Prioritise a case for a paper review – this is to allocate a case on the next available MCA panel date.
- Refuse to prioritise the case – the case will then be allocated a panel date in accordance with their review type as set out above.

Examples of when prioritising would and/or would not be appropriate:

Reasons to Prioritise	Reasons not to Prioritise
Case has been deferred several times and the prisoner's review has been unfairly delayed (through no fault of their own)	A determinate sentence recall prisoner has less than 10 weeks until their sentence expiry date
Serious concerns over the prisoner's mental health	Requests for prioritisation solely on the grounds of positive report recommendations
A complex release plan is time critical, and arrangements are likely to fall apart if the case is unduly delayed.	A case has been adjourned/deferred once before (even if the current situation is not prisoner's fault)
Cases where an application for reconsideration or set aside of a Parole Board decision has been granted, resulting in a further oral hearing being required.	