

Decision Summaries Guidance

August 2023 (v1.0)

Document History

Document version	Date of Issue	Revision description
1.0	1 August 2023	New guidance following a change in the summaries process

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1 Introduction

1.1 The current summaries process has been in place since 2018 and a review has been conducted on how to better streamline this process following the *Austin*¹ judgment where the Court suggested that representations could be sourced from a prisoner or their representative prior to the production of a summary.

1.2 The new process will involve the:

- a) front loading of sourcing representations at the Member Case Assessment (MCA) and at the Oral Hearing (OH) stage as opposed to when the final decision has been issued; and
- b) proposed new process for communicating the decision and summaries for noteworthy cases/comms plans.

1.3 A process map is set out at the end of this document.

¹ *Austin, R (On the Application Of) v Parole Board for England and Wales [2022] EWHC 63 (Admin)*

2 Details of Process

- 2.1 The Parole Board Case Manager (PBCM) will send the new summaries proforma to the prisoner/their representative when they request representations at the MCA stage and again at the oral hearing stage. These representations should be made in writing.
- 2.2 If/when the summary representations are received, the PBCM will upload them to PPUD, labelling clearly that they are summary representations.
- 2.3 If a summary request is made, the Summaries CM will log the request on the Summaries Log Spreadsheet and on the contact log on PPUD. The Summaries CM will not check for representations at this stage (if they have been received).
- 2.4 When a decision is made, the PBCM must notify the summaries team by copying the summaries mailbox into the issuing email. If there has been a summary request, the Summaries CM will check PPUD for any representations regarding the summary. These will be flagged to the Summaries Team Leader to review prior to production of the summary.
- 2.5 There will now be no prior sight of the summary by any of the parties. Any representations received will be considered, and the final summary will be produced taking these into account (if received).
- 2.6 The final summary will be issued to both parties, and the requestor once produced.
- 2.7 If representations were received, these will be assessed and escalated accordingly. In the event representations are received objecting to the summary being produced in its entirety and these are agreed by the Board then no summary will be produced.
- 2.8 The Board has the discretion to refuse provision of a summary or redact details or amend as necessary a summary of a panel's decision where the information contained could or does:
 - Adversely affect the successful rehabilitation or progress towards rehabilitation of any offender;
 - Place the safety of any person/s in jeopardy, through threats or other harmful behaviour;
 - Pertain to a young offender - under the age of 18;
 - Pertain to any offender released from a secure Mental Health Unit;
 - Breach any outstanding court orders;
 - Relate to any ongoing investigations;
 - Threaten national security; The Board will notify the requestor where any summary is deemed not to be disclosable.
- 2.9 The new process will go live on 1 August 2023.

3 Eligibility

- 3.1 For a decision to be eligible for a summary to be produced, the decision must meet the eligibility criteria (detailed in the 'Decision Table'). Unless the relevant eligibility criteria are met, a summary cannot be produced.

4 Types of decisions

Decisions at MCA stage

- 4.1 Where the panel makes a no release decision on the papers under the Parole Board Rules 2019 (as amended) rule 19(1)(b), the decision is provisional, and the prisoner has 28 days to request for their case to be considered at an oral hearing (under rule 20).
- 4.2 If no rule 20 application for an oral hearing has been made within the 28-day window, the Parole Board decision summary can then be produced.
- 4.3 Where an application for an oral hearing under rule 20 has been submitted by a prisoner, which results in a refusal to direct an oral hearing, the summary can be produced once that decision has been made. If an oral hearing is granted, then the summary cannot be produced until the case has concluded and a decision on the review has been made and issued to all parties.

Decisions at oral hearing stage

- 4.4 Where the panel has considered a case at an oral hearing (or on the papers following a direction for an oral hearing under Rule 21), a summary can be produced once a decision has been issued to both parties.
- 4.5 A decision table is set out on the next page.

Decision Table

Rule	Decision	Eligibility
19(1)(a)	MCA directions for release (only)	A summary can be produced once the decision is made.
19(1)(b)	MCA no direction for release	A summary can only be produced when this decision becomes final (after 28 days).
Rule	Decision	Eligibility
19(1)(c)	MCA direct to an OH	Not eligible for a summary
19(2)(a)	MCA recommendation to transfer to open conditions	A summary can only be produced when this decision becomes final (after 28 days).
19(2)(b)	MCA decision – no recommendation to transfer to open conditions	A summary can only be produced when this decision becomes final (after 28 days).
19(7)	MCA decision: give advice	Not eligible for a summary
20(5)	Grant of an application for an oral hearing	Not eligible for a summary
20(5)	Refusal of an application for an oral hearing	Not eligible for a summary
21(7)(a)	No direction for release on papers post MCA	A summary can be produced once the decision is made.
21(7)(b)	Release directed on papers post MCA	A summary can be produced once the decision is made.
21(10)(a)	Open conditions recommended on papers post MCA	A summary can be produced once the decision is made.
21(10)(b)	Open condition not recommended on papers post MCA	A summary can be produced once the decision is made.
21(11)	Decision on papers post MCA: advice	Not eligible for a summary

Rule	Decision	Eligibility
25(1)(b)	Oral Hearing – No direction for release (only)	A summary can be produced once the decision is made.
25(1)(a)	Oral Hearing – Direction for release (only)	A summary can be produced once the decision is made.
25(4)(a)	Oral Hearing – open conditions recommended	A summary can be produced once the decision is made.
25(4)(b)	Oral Hearing – Open conditions not recommended	A summary can be produced once the decision is made.
25(5)	Oral hearing - advice	Not eligible for a summary
28(8)	Outcome of Reconsideration application refused	Not eligible for a summary
31(6)(a)	IPP licence – licence terminated	A summary can be produced once the decision is made.
31(6)(b)	IPP licence – licence amended	Not eligible for a summary
31(6)(c)	IPP licence – application refused	A summary can be produced once the decision is made.
31(6A)	IPP licence – unconditional release directed	A summary can be produced once the decision is made.

Annex A – Rule 27

Summaries and disclosure

27.—(1) Where a victim or any other person seeks disclosure of a summary of the reasons for a decision or recommendation—

(a) made under rule 19(1)(a), 19(2), 21(7), 21(10), 25(1), 25(4) or 31(6);

(b) made under rule 19(1)(b) where a prisoner does not make an application for an oral hearing under rule 20(1), or a prisoner makes an application for an oral hearing but it is decided that the case should not be considered at an oral hearing under rule 20(6),

the Board must produce a summary of the reasons for that decision or recommendation, unless the Board chair considers that there are exceptional circumstances why a summary should not be produced for disclosure.

(2) The Board is not required to produce a summary under paragraph (1) where the request is made more than 6 months after the decision or recommendation.

(3) Where a victim seeks disclosure of a summary produced under paragraph (1), the Secretary of State must notify the Board that the victim wishes to receive a summary, and must disclose the summary that is produced by the Board to that victim.

(4) Where any other person seeks disclosure of a summary under paragraph (1), the Board must disclose the summary that is produced to that person.

(5) Subject to paragraph (1) and rule 17, the Board chair may prohibit or permit the disclosure, recording or publication of proceedings or information about proceedings under these Rules.

(5A) A decision of the Board chair under paragraph (5) may relate to a class of proceedings.

(6) Other than those of the parties, the names of persons concerned in proceedings under these Rules must not be disclosed under paragraphs (1) to (5) unless the Board chair gives a direction to the contrary.

(7) A contravention of paragraphs (5) or (6), is actionable as a breach of statutory duty by any person who suffers loss or damage as a result.

(8) For the purposes of this rule—

“victim” means a person who is participating in the Victim Contact Scheme in respect of a prisoner who is party to proceedings under these Rules;

“Victim Contact Scheme” means the scheme set out in the Victims’ Code in accordance with section 32 of the Domestic Violence, Crime and Victims Act 2004.

Annex B - Overview of Process

