

Decision Writing Guidance

January 2025 (v2.0)

Document History

Document version	Date of Issue	Revision description
1.0	23.11.2020	This guidance was created as part of the member led Parole Board Review of the approach to decision-making about risk (RADAR) pilot
1.1	22.01.2021	The guidance was amended following the first part of the RADAR pilot: <ul style="list-style-type: none"> • Members duties under the Prisoners (Disclosure of Information About Victims) Act 2020 has been noted • The Management Committee approved naming members on the front sheet section as part of the RADAR pilot in December 2021, and subsequently agreed in January 2022 that it should be adopted as business as usual.
1.2	27.10.2022	The guidance was updated to reflect the changes following: <ul style="list-style-type: none"> • The Police, Crime, Sentencing and Courts Act 2022 • The amended Secretary of State 2022 Directions on transfer of indeterminate sentence prisoners to open conditions • The Parole Board Rules 2019 (as amended) • Johnson R v Secretary of State for Justice [2022] EWHC 1282 (Admin).
2.0	31.01.2025	The guidance was updated to reflect the changes following: <ul style="list-style-type: none"> • The Victims and Prisoners Act 2024 • The Parole Board (Amendment) Rules 2024 • "Reasons writing guidance" changed to "Decision writing guidance" to ensure consistency. • The changes are set out in the Table of Changes.

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Executive Summary Decision Writing Guidance

The full guidance can be read [here](#).

This guidance is for all members involved in writing and reviewing Parole Board decisions.

This guidance should be read alongside the [Decision-Making Framework](#) and the [Top Ten Decision Writing Tips](#).

Key Points

General Principles (Section 1):

- The written decision is a **standalone judgment** written in the third person.
- It must clearly convey the rationale for the panel decision in **straightforward language**.
- The written decision must give **clear reasons** as to why the panel came to its decision.
- It should enable the reader to understand all the **key elements** that influenced the decision, and the **weight** given to particular pieces of evidence.
- Where the panel's independent assessment of risk **differs** from the assessments given in key reports or by witnesses, the decision should clearly set out **why** the panel took a different view.
- **The written decision must explain in sufficient detail why the codified public protection test was met, or not.**

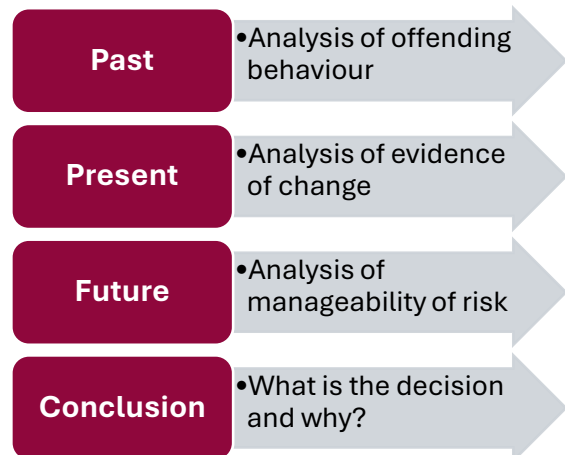
Panels should strive to write succinct decisions, rather than focusing on them being short.

Front Sheet (Section 2):

- The front sheet must be fully completed and contain accurate information.
- Panels must **check the terms of the Secretary of State's referral** to ensure accuracy as to what the panel is being asked to do.
- Eligibility for reconsideration is automatically populated when the correct case type is selected.
- Each panel member must be named on the written decision, including decisions made on the papers.
- The decision must indicate the method by which those involved attended the hearing and whether a victim personal statement was provided and if so, how it was presented and who by.
- At the end of the front sheet there is a box for 'Any other information'. This is a free text box for the panel to record anything that is not covered in other sections but adds context to the decision.

Main Body of Decision (Section 3):

- **The written decision must follow the Decision-Making Framework.**
- The main body of the written decision contains the reasons which is split into four sections:



- It must be evidenced that the panel have evaluated risk according to the **two-stage process of relevance and weight**.
- Members will analyse information to assess its relevance to the decision.
- Members will **evaluate only relevant information to assess the weight it should be given** as part of the decision.
- The panel **must demonstrate that they have worked through the 'Framework for Analysis'** in the Decision-Making Framework.

The wording of the Codified Public Protection Test must not be altered.

Important Points to Note when Writing Decisions (Section 6 and throughout):

- The panel should not accept self-reported information from the prisoner that is not substantiated by other evidence.
- Relevant oral evidence should be woven alongside relevant evidence from the dossier for each of the key issues that the panel is considering in their risk assessment.
- Any text incorporated verbatim from a previous decision or from information within the dossier should be in italics.
- Prior to finalising the decision, it should be sent to all other panel members to review.
- The written decision must have the approval of all panel members.
- The panel chair must prepare a draft of the written decision that reflects the agreed views of the panel.
- **All panel members have a duty to read, check, and, if necessary, propose edits and return the draft to the panel chair, as soon as possible.**

Conclusion (Section 4):

- It must be made clear in the written decision that the panel applied the codified public protection test.
- **The matters which must be taken into account need to be explicitly considered first.**
- If release is not directed but the referral includes open conditions, panels must separately apply all the relevant criteria in relation to suitability for open conditions.
- All the criteria applicable to the case must be explicitly considered.
- **Failure to consider these criteria may make the decision legally flawed, so they must be dealt with explicitly in the written decision.**
- If release is directed, the panel should select any additional conditions to be attached to the prisoner's licence.



1 General Principles

- 1.1 This guidance was created in 2020 as part of the member-led Parole Board Review of the approach to decision-making about risk (RADAR) pilot. This guidance is for all members involved in writing and reviewing Parole Board decisions. It sets out the general principles for decision writing; guidance on completing the decision template; what each section of the decision should include and how to ensure the panel's reasons for coming to its decision are clear.
- 1.2 This guidance should be read alongside the Decision Making Framework and the Top Ten Decision Writing Tips.
- 1.3 The Parole Board is under a statutory duty to respond to the terms of the Secretary of State for Justice's (SSJ) referral. Where the referral is for consideration of release and of suitability for open conditions, **the decision must first address whether the codified public protection test is met.**¹ If the codified public protection test is met, there is no need for the panel to consider and address whether the criteria for open conditions are met. However, the panel should **record briefly why open conditions was not considered**, if the codified public protection test is met, as this makes it clear that the panel were fully aware of the terms of the referral.²
- 1.4 The written decision must explain in sufficient detail **why** the codified public protection test was met, or not.
- 1.5 If a recommendation on suitability for transfer to open conditions is required, the reasons for the recommendation must cover all the relevant criteria for open conditions as set out in the 2023 Directions and explain in sufficient detail **why** each criterion was met, or not. Please see Types of Cases Guidance for further information.
- 1.6 The terms of the referral ask the Parole Board to respond to the Secretary of State. The written decision will be read not only by both parties, but also others involved in the case such as, Community Offender Managers (COMs), Prison Offender Managers (POMs), summary writers etc. Consequently, **the decision must be written in the third person.**

¹ *The Victim and Prisoners Act 2024 (VAP Act) codifies the public protection test. The changes are introduced under Section 58 (life prisoners) and 59 (fixed-term) of the VAP Act. Please note the codified public protection will come into force on 3rd February 2025. This does not change member practice as it codifies the existing practice of Parole Board members when making a decision about release.*

² *Similarly, where the referral is for consideration of unconditional release (for eligible IPP recall cases), the panel must first determine whether the codified public protection test is met before going on to consider whether the release can be unconditional.*

- 1.7 The panel may wish to rely upon findings from previous parole decisions where these are available. The new panel should not simply repeat everything in earlier decision(s), and in particular it must ensure that it undertakes its own assessment of risk, but it may clearly state which parts of those decisions it wishes to adopt. The current panel must still conduct its **own analysis and independent assessment of risk**.
- 1.8 Any text incorporated **verbatim** from a previous decision or from information within the dossier should be in *italics*.
- 1.9 The written decision must give **clear reasons** as to why the panel came to its decision. It should enable the reader to understand all the **key elements** that influenced the decision and the **weight** given to particular pieces of evidence. It must focus on the identification and **assessment of risk**. Where the panel's independent assessment of risk differs from the assessments given in key reports or by witnesses, the decision should **clearly set out why the panel took a different view**. In cases where professional witnesses have provided a professional opinion, these should be stated in the written decision and, if the panel departs from these, it must explain why.
- 1.10 **The written decision is a standalone judgment written in the third person and must clearly convey the rationale for the panel decision in straightforward language.** Panels should not cite page numbers from the dossier as few readers will have simultaneous access to the current dossier and the page numbers will become inaccurate with re-pagination for future dossier versions.
- 1.11 There is no need to recite large sections of narrative from the dossier or evidence heard by the panel in the oral hearing. **Relevant oral evidence** should be woven alongside **relevant evidence from the dossier** for each of the **key issues** that the panel is considering in their risk assessment. This structure identifies the issues, summarises the evidence from oral and written sources, and explains how the panel weighed the evidence. However, the **written decision must make it clear that all evidence has been considered** by the panel.
- 1.12 **Panels should strive to write succinct decisions, rather than focusing on them being short.** Written decisions will vary in length according to the nature of the case and the evidence heard. The main focus of the written decision should contain the panel's **analysis**. It should clearly set out the findings of fact³ and the reasons for the conclusions that the panel have come to. In many cases only a brief summary of the issues and evidence is needed; the fundamental and most important part of the written decision is what the panel decided

³ Please see the *Allegations guidance* for more information.

about the evidence, including:

- How much weight did they put on it, and why?
- What impact does it have on their assessment of risk, and why?
- How does that affect the management of risk, and why?

2 Front Sheet

- 2.1 Please see the template guidance for the technical aspects of completing the template.
- 2.2 The review number should be in the dossier. It may be the review number since 1) eligibility for parole, or 2) since recall. For example, if the review number is the number since recall, then please include that by writing out '1st since recall' so that it is clear.
- 2.3 **Please check the terms of the referral to ensure accuracy as to what the panel is being asked to do** e.g., whether the prisoner is eligible for open conditions, whether they are eligible for release, eligible for IPP licence termination etc. Please see Types of Cases Guidance for further information on the referral and powers in each case.
- 2.4 **The front sheet must be fully completed and contain accurate information.** The details of the index offence(s) and each corresponding sentence must be detailed using accurate wording e.g., a Section 18 Assault must specify whether it was GBH or Wounding with intent; 'Imprisonment for Public Protection' is used for IPP sentences (not indeterminate sentence for public protection); extended sentences must detail custodial and extended licence periods, etc. If the sentence is a life sentence or any other type of indeterminate sentence, the tariff/minimum term **must** be included as part of the sentence information.
- 2.5 The prisoner's expectation of the parole review should be stated in the "outcome sought" section. There is a suggested form of words for this:

'The prisoner sought the outcome of [release] [recommendation for open conditions] [remaining in closed conditions] (delete as appropriate)'

'The prisoner expressed no view to the panel'

If a Secretary of State Representative⁴ has presented an overarching view to the panel, this should also be recorded in this section. Panels

⁴ In some cases, the Secretary of State may choose to send an official (a PPCS Secretary of State Representative) to provide formal representation as opposed to witness evidence.

do not need to record anything if a Secretary of State view was not given.

- 2.6 Where the prisoner's expectation of the parole review is for a risk assessment only, the outcome sought should be stated as remaining in closed conditions. The panel has a duty to conduct a risk assessment for **every case** under the terms of the referral. The same outcome should be noted for those prisoners who have expressed that they do not want a parole review.
- 2.7 **The risk period under consideration in all cases is indefinite.**
- 2.8 Eligibility for reconsideration is automatically populated when the correct case type is selected. A decision that only asks for consideration for open conditions is not eligible. Nor are standard determinate recall cases.
- 2.9 Under the panel names please indicate who is the Panel Chair by putting '(Panel Chair)' after their name. **Each panel member must be named on the written decision**, including decisions made on the papers. Only in exceptional circumstances can panel members go unnamed. To determine if circumstances can be classed as exceptional, please contact the Board's Practice Adviser.
- 2.10 The decision must indicate the method by which those involved attended the hearing (by telephone, video or face-to-face (R)).
- 2.11 The decision must indicate whether **a victim personal statement** was provided and if so, how it was presented and who it was presented by.
- 2.12 At the end of the front sheet there is a box for 'Any other information'. This is a free text box for you to record **anything** that is not covered in other sections but adds context to the decision.
- If the decision has been made under rule 21 of the Parole Board Rules 2019 (as amended) then it must be stated in this section. Please see the Oral Hearing Guidance for further information on how to apply this rule.
 - If the power in rule 9 has been used to alter the time limits prescribed for a case to be concluded on the papers under rule 21, or to vary the time limit for making a reconsideration application under rule 28, it must be stated in this section.
 - Other examples of information in this section include:
 - Where the prisoner chose not to attend the hearing or left part way through
 - Where an interpreter was required
 - Where the panel size changed on the day due to an issue

- Whether evidence was heard in a different way from what was envisaged at Panel Chair Directions (PCDs)
- Technical difficulties; etc.
- It may also be important to note here where there have been significant delays to the review, such as multiple adjournments. If more detailed information is required, it should be covered in the main reasons section.

3 Main Body of Decision

- 3.1 The written decision must follow the Decision-Making Framework. The full document is not repeated here but must be read in conjunction with this guidance.
- 3.2 In the written decision within the four headings/sections detailed below, the panel must demonstrate that they have worked through the 'Framework for Analysis' in the Decision-Making Framework. The panel must evaluate the elements which increase or reduce risk according to a **TWO STAGE PROCESS**:

Stage 1: Relevance

- Members will analyse information to assess its relevance to the decision.

Stage 2: Weight

- Members will evaluate *only* relevant information to assess the weight it should be given as part of the decision.

- 3.3 Please refer to the section 'Framework for Analysis' in the Decision-Making Framework for details of what to include under each of the individual headings.
- 3.4 **The panel is free to use subheadings if it wishes to do so but these must be easy to follow and not over-used.** The subheading ought to be underlined but not in bold type and the paragraphs must remain numbered.
- 3.5 Particular matters to bear in mind are detailed under each heading below.
- 3.6 There is **no need for the panel to repeat information** already detailed on the front sheet within the main reasons section, although it may do so where needed to provide context as part of the panel's analysis.

Section 1 – Analysis of Offending Behaviour (The Past)⁵

- 3.7 Section 4.4.1 of the Decision-Making Framework – Understanding the prisoner, their offending history and their circumstances will assist in identifying patterns of behaviour and establishing both **risk factors** related to future offending and **protective factors** which reduce the risk of future offending.
- 3.8 This section must include the verified circumstances of the index offence. The panel must be alert to any mistakes in the dossier where incorrect facts are recorded and must have regard to findings made by the Sentencing Judge and any accepted basis of plea.
- 3.9 **The panel must identify and analyse risk factors as at the time of the index offence and highlight any psychological, psychiatric, or medical considerations relevant to risk at the time.**
- 3.10 As well as analysing previous convictions, the panel may wish to analyse (where appropriate):
- Other behaviour which indicates actual harm or a risk of harm, including behaviour during previous sentences served in prison and/or the community
 - Signs of stopping offending – indications of a reduction in offending, actual harm or risk of harm including gaps in the pattern of offending
 - Reliable information from agencies (for example, police, social services) which indicates actual harm or a risk of harm
 - Other allegations of harmful or risky behaviour, including reference to any history of domestic abuse callouts or concerns about intimate partner violence. Panels must follow the principles set out in the Allegations guidance where relevant.

Please see the Risk Assessment Guidance for further information.

Section 2 – Analysis of Evidence of Change (The Present)⁶

- 3.11 Section 4.4.2 of the Decision-Making Framework – Understanding whether and how a prisoner has changed their behaviour; and the prisoner's thoughts, feelings, motivation and understanding are

⁵ The codified public protection test sets out matters to take into consideration, analysis of offending behaviour relates to the following matters - (a) the nature and seriousness of the index offence in respect of which the relevant sentence was imposed; (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted.

⁶ The codified public protection test sets out matters to take into consideration, analysis of evidence of change relates to the following matters - (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence); (f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence.

important considerations in evaluating changes to the type and level of risk posed and for identifying current risk and protective factors.

- 3.12 In relevant cases, this section must include the panel's consideration of whether the recall decision was appropriate (in accordance with the decision in the *Calder*⁷ judgment) and make a finding of its appropriateness. **This must take place before assessing risk.** Please see the Types of Cases Guidance for more information on the appropriateness of recall and for suggested wording.
- 3.13 This section can include **other allegations of harmful or risky behaviour**, for example allegations about prison behaviour. Panels must follow the principles set out in the Allegations guidance.
- 3.14 This section should describe the prisoner's **progress**, including details of work undertaken to address their offending behaviour, educational and vocational work undertaken, ROTLs and their conduct.
- 3.15 This section must include **risk assessments** including the tools and approaches used to assess the prisoner's current risk of reoffending and risk of harm. OGRS and OASys assessments are to be recorded by grade, plus detail any other specialised assessments (e.g., SARA).
- 3.16 This section should include the **assessments of report writers and witnesses** regarding the level of risk, the nature of risk and protective factors, the extent of risk reduction, and risk management. This section may also be used to record any questions asked of witnesses regarding the suitability for release/progression, and the responses they provide where the panel feels it is necessary to do so.
- 3.17 This section must detail the **panel's own assessment** of the prisoner's risk of re-offending and harm, reconciling any departure from the professional assessments.
- 3.18 The detail should include an analysis of **what the offences and harm might be**, who the victim(s) might be, the likelihood of a risk scenario and the imminence of risk.
- 3.19 The panel should identify the **areas of risk that it considers to be outstanding.**

Section 3 – Analysis of the Manageability of Risk (The Future)⁸

- 3.20 Section 4.4.3 of the Decision-Making Framework – Understanding the extent and likely effectiveness of **internal and external controls** on

⁷ *R(Calder) v Secretary of State for Justice [2015] EWCA Civ 1050*. More information can be found in the Types of Cases Guidance.

⁸ *The codified public protection test sets out matters to take into consideration, analysis of the manageability of risk relates to the following matters - (d) the risk that the prisoner would commit a further offence (whether or not specified in Schedule 18B to the Criminal Justice Act 2003) if no longer confined; (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions.*

the prisoner, and **plans and opportunities** for successful reintegration into society will assist in analysing future risk and protective factors and **manageability in the community**.

- 3.21 In this section the panel should **outline the risk management plan (RMP)** to support and restrict the prisoner in the community (including on Release on Temporary Licence (ROTL) where appropriate) to manage the risks identified and then the panel **MUST analyse the effectiveness** of the RMP.
- 3.22 This section should include the details of any **proposed release address** (or absence of one) and more detail should be included where specialist accommodation is required, such as a specific Approved Premises (type or location).
- 3.23 This section should also include elements of the RMP such as **additional agency support**, personal support, long-term plans of the prisoner, move on accommodation etc.
- 3.24 This section should include details of the **proposed additional or bespoke licence conditions**, including those to protect the victim. If any proposed licence conditions are not thought to be necessary and proportionate, then the panel **must** give full reasons. Similarly, if the panel amends any proposed licence condition or imposes a bespoke condition that was not proposed by the COM, it needs to explain why. If any conditions requested by the victim are not thought to be **necessary and proportionate**, the panel needs to explain why.
- 3.25 The panel should **state its assessment of the likelihood of compliance in future**. This will include looking at past compliance, current compliance and what that might mean in the future. Any assessment of future compliance will need to take into account and evaluate what has changed if there is a history of non-compliance, for example any pattern of recalls and non-compliance in prison for example. Further information can be found in the Decision-Making Framework.
- 3.26 **Protective factors** must be identified if there are any. This may be the best place to identify protective factors but if it reads better elsewhere (such as section 2) then they may appear elsewhere. A discussion of future protective factors may also be appropriate.

4 Conclusion

- 4.1 Section 4.5 of the Decision-Making Framework – This is the key part of the written decision; it should **explain clearly what decision the panel has made and why**.

- 4.2 Where the referral is for release (including unconditional release for eligible IPP recall cases) or recommendation for open conditions, the panel must **first** consider whether the codified public protection test is met. If the test is met, there is no need for the panel to consider whether each of the criteria for open conditions are met. However, the panel should record briefly why a recommendation for open conditions was not considered, if the codified public protection test is met, as this makes it clear that the panel were fully aware of the terms of the referral. If the codified public protection test is not met, then the panel should go on to consider the criteria for open conditions.
- 4.3 It must be made clear in the written decision that the panel applied the codified public protection test, with the matters which must be taken into account explicitly considered **first** and then, if the referral includes open conditions and if release is not directed, it **separately** applied all the relevant criteria in relation to suitability for open conditions.⁹ **All the criteria applicable to the case must be explicitly considered.** Failure to consider these criteria may make the decision legally flawed, so they must be dealt with explicitly in the written decision.
- 4.4 The codified public protection test **applies universally** and should not be interpreted any differently for Extended Determinate Sentence (EDS) prisoners during the extended period of their sentence. Therefore, from 3rd February 2025, **the presumption in favour of release under *Sim*¹⁰ should no longer be applied to those in the extended part of their sentence.**
- 4.5 Any submissions from the prisoner's representative should be summarised either in this section or in another suitable place. If the prisoner is not represented, then their personal submissions, if made, must be referred to and summarised where appropriate.
- 4.6 It can be helpful to include here whether the panel read or listened to a VPS.
- 4.7 The conclusion should draw together the analysis from the earlier sections and show **how the panel balanced its findings and the relevant weight of evidence to reach its decision.** If you have not already explained why you have made your **findings of fact**, you can do so here¹¹. **The conclusion should not bring in any new evidence;** this should be analysed in an earlier section.

⁹ The criteria for a recommendation for open conditions is automatically set out on the decision templates where that is part of the referral.

¹⁰ *R (Sim) v Parole Board* [2004] QB 1288.

¹¹ Please see the *Allegations* guidance for more information.

- 4.8 Panels must exercise **professional curiosity**.¹² If not already explicitly addressed in earlier sections of the decision, the panel must explain whether it agreed or disagreed with any assessments or recommendations/views by professionals. If the professional witness does not give a view this should be noted. Where assessments or professional opinions/views are not accepted, the panel **must** justify their reasoning, and if presented with conflicting expert evidence the panel must **give full reasons** why they chose to prefer certain witness evidence over others. Case law indicates that there is a heightened duty to give reasons when a panel goes against the advice of 'experts'.
- 4.9 If the Secretary of State has submitted an overarching view, the panel must explain whether it agreed or disagreed with this view and clearly explain their reasoning for this.
- 4.10 If another review is likely, the conclusion should incorporate any advice about **next steps**, including information likely to assist the next panel. This need only to include anything over and above the core dossier materials. The panel should be careful not to fetter the scope of a future panel's assessment by indicating what a future outcome may be. There should be no reference to sentence planning as this is outside of the remit of the Board.

5 Licence Conditions

- 5.1 If the panel directs release, the panel should select any additional conditions to be attached to the prisoner's licence. The full set of additional licence conditions (as set by HMPPS¹³) are on the decision template. The **specific wording must be used** for it to be considered an additional condition.
- 5.2 If the panel wishes to add a **bespoke licence condition**, the panel should **manually type** in the condition to appear at the end of the written decision (after any additional licence conditions). A full explanation for the reason for such conditions would be required in the panel's written decision.
- 5.3 The reasons why any proposed additional licence conditions that the panel considered not necessary and proportionate should have been explained in section 3.

6 Important Points to Note when Writing Decisions

¹² *Being professionally curious is a process of always questioning and seeking verification for the information you are given rather than making assumptions or accepting things at face value.*

¹³ [Licence conditions policy framework - GOV.UK](#)

- 6.1 The panel should not accept self-reported information from the prisoner that is not **substantiated** by other evidence. The prisoner's account of their own behaviour and risks should be balanced with other available evidence and form part of the analysis and assessment of risk. There must always be an independent account of the index offence.
- 6.2 Prior to finalising the decision, it should be sent to all other panel members to review. The written decision must have the approval of all panel members. The panel chair must prepare a draft of the written decision that reflects the agreed views of the panel. For more information about agreeing the written decision, please see the Oral Hearing Guidance. **All panel members have a duty to read, check, and, if necessary, propose edits to the draft decision. All panel members must return the draft to the panel chair, as soon as possible, and in any event, within 2 working days.** If this is not possible, the panel chair should be notified. Co-panellists have an essential role to play in checking the accuracy, coverage, and presentation of the draft, including the front pages of the template.
- 6.3 In certain cases, panels may also have to:
- Analyse the relevance and impact of a prisoner who **maintains their innocence**. Such an analysis will need to be included in the written decision. Please see the guidance on Prisoners who Maintain their Innocence for more information.
 - Apply the Guidance on Disclosure of Information about Victims.
 - Detail the **relevance of an allegation** made against a prisoner; whether there has been a finding of fact and any weight the panel have attached to the allegation, etc. The Allegations guidance must be followed.
- 6.4 Panels are encouraged to read through and adopt the Top Ten Decision Writing Tips to assist them with writing and reviewing decisions. These tips should be used in conjunction with any other relevant guidance, as well as the Decision-Making Framework.