

Prioritisation Framework for Paper Reviews under the Member Case Assessment Process

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Document History

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1.0	June 2023	First Publication
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1 Overview

- 1.1 The Parole Board (The Board) requires a transparent approach to listing cases for review that are referred to it by the Secretary of State.
- 1.2 The Board's approach takes into account the nature of the reviews underway and aims to bring cases to timely conclusions. The Board has a duty to provide a timely review of detention under Article 5(4) of the European Convention on Human Rights. Its approach to progressing cases aims to balance that requirement with that of fairness to the prisoner, and the duty to protect the public.
- 1.3 In line with rule 19 of the Parole Board Rules 2019 (as amended) ("the Rules"),¹ every case referred to the Board is required to go through a consideration on the papers ("paper review"), which is known as Member Case Assessment (MCA). This is undertaken by an accredited MCA panel. The MCA 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.
- 1.4 The Board has adopted a general set of principles to guide its approach to the panelling of cases for paper review under the MCA process. These principles are set out in this Paper Review Prioritisation Framework (PRPF). These principles balance the need to manage overall caseload with the obligation the Board has to ensure the timely review of cases.
- 1.5 The Board has a duty to make the most efficient use of public resources available to it to maximise the number of cases it can panel for paper review each month. The Board will remain flexible in its approach to panelling paper reviews and will consider departing from the general principles set out below where there are compelling 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.

2 Representations

- 2.1 Once a case is referred, the Board will carry out an administrative check of the dossier to ensure it contains all the mandatory documents required by the Schedule to the Rules. Once this check has been made and the referral accepted, the Board will contact the prisoner and/or their representative to request written representations prior to commencing the paper review under the MCA process. The timeframes provided for the submission of representations are set out in the table on the next page and start from the date the request for written representations is sent.
- 2.2 The prisoner and/or their representative can seek an extension to this time if they require it but must bear in mind this may lead to a delay in listing the case.

¹ <https://www.gov.uk/government/publications/the-parole-board-rules-2019>

Review Type	Deadline for Representations
1. Indeterminate Sentenced Prisoners (ISP) ² – pre-release reviews (pre-tariff and on/post tariff).	28 days
2. ISP recalls.	14 days
3. GPP Terrorist Offenders (Restriction of Early Release) Act 2020 (TORERA) reviews.	28 days
4. Power to Detain Reviews – Standard Determinate Sentence (SDS) prisoners.	28 days
5. First review at Parole Eligibility Date (PED) - initial release - Extended Determinate Sentence (EDS) (including Sentence of Particular Concern (SOPC) and Discretionary Conditional Release (DCR).	28 days
6. Further reviews after PED – EDS/SOPC/DCR.	28 days
7. Advice cases - ISPs.	28 days
8. SDS/Extended Sentenced Prisoners (ESP)/Extended Sentence for Public Protection (EPP) annual reviews following initial recall review.	14 days
9. SDS Recalls (EDS).	14 days
10. SDS Recalls (all other).	14 days

3 First Stage Allocation - *by Referral Date*

- 3.1 A case becomes ready for an MCA paper review when the dossier has been checked and representations have been received from the prisoner and/or their representative, or the deadline for representations has passed. The case will then be added to the MCA queue and listed onto the next available MCA panel in line with this PRPF.
- 3.2 The starting point is to list all cases that, where they meet certain criteria, receive automatic prioritisation and sit outside this PRPF. More information about this can be found in section six. There will also be other cases where, exceptionally, a duty member has directed that they be prioritised.
- 3.3 The Board will then allocate cases that have been waiting for a panel date for more than 60 days since referral (this applies to all case types).
- 3.4 Next , cases will be allocated by the date they were referred to the Board. The initial allocation by referral date applies to all case types. Further information about the order of allocation can be found in section four.
- 3.5 The Board will finally reflect the individual circumstance of the case and provide equitable fairness across the different types of cases referred to it, as appropriate. This means that where there is a choice between two or more cases for an available slot on an MCA panel, the type of case will determine which case takes priority. This is termed as prioritisation "*beyond the referral date*". See Section 4 below for more information.

² *Indeterminate Sentence Prisoners includes both life sentence and Imprisonment for Public Protection (IPP)/Detention for Public Protection (DPP) sentence prisoners.*

4 Second Stage Allocation - *beyond the Referral Date*

- 4.1 Where circumstances require the panelling of a paper review to be further prioritised, i.e. there are competing cases for a slot on an MCA panel, this is achieved by using the *beyond the referral date*.
- 4.2 This means that cases with the same referral date will generally be allocated in accordance with their review type as set out below:

<u>PRIORITY ORDER</u>	
Review Type	PPUD³ Label
1. ISP – first review at tariff expiry (initial release – lifer and IPP/DPP) 2. ISP – further reviews after tariff expiry (lifer and IPP/DPP)	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 / SOPC / DCR – first review at Parole Eligibility Date (PED) – initial release. 7. EDS / 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/DPP)	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/EPP 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 18 weeks until their sentence expiry date (SED) at the point of referral.	Standard 255c Recall Review Further Review (Post Release) Annual Review

5 Determinate Sentence Recall Cases

- 5.1 Determinate sentence recall cases are allocated 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.

³ Public Protection Unit Database (PPUD) is the IT case management system used to manage and record all parole reviews.

- 5.2 Where a determinate sentence recall case is referred to the Board within 18 weeks of the SED, their case will no longer be allocated unless there are exceptional circumstances, or a request to prioritise the paper review has been agreed by a duty member. The cut-off date in this paragraph will be reviewed at regular intervals and may change to reflect any changes in waiting times for a paper review. The parties will be informed of this and will have an opportunity to put forward any exceptional circumstances (per section 7 below).

6 Automatic Exceptions to the PRPF

- 6.1 The Board has determined that certain cases must be automatically prioritised for a paper review irrespective of their referral date. These cases will be given priority for the next available MCA panel after they become ready for an MCA paper review (see paragraph 3.1 above).

Prisoners under 18 years old (children)

- 6.2 The Board will automatically prioritise, irrespective of the referral date or review type, the paper review of any prisoner who is under the age of 18 at the point of referral. Once the case is marked as ready for a paper review, it will be allocated to the next available MCA panel.

Prisoners serving a sentence given when under 18

- 6.3 The Board will automatically prioritise, irrespective of the referral date, the paper review of any prisoner serving a sentence that was given when they were under 18. These include: Detention for Public Protection (DPP); Detention during His Majesty's Pleasure (DHMP); Detention for Life (DfL) and any other relevant sentence given when under 18. Once the case is marked as ready for a paper review, it will be allocated to the next available MCA panel.

Prisoners in a mental health setting

- 6.4 The Board will automatically prioritise, irrespective of the referral date or review type, the following cases:
- Any prisoner residing within a secure hospital setting or mental health unit; and
 - 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.
- 6.5 Once the case is marked as ready for a paper review, it will be allocated to the next available MCA panel.

Imprisonment/Detention for Public Protection (IPP/DPP)

- 6.6 The Board has established an IPP Taskforce to manage all cases where the prisoner is serving an IPP or DPP sentence.

6.7 Listing of these cases may fall outside of this PRPF to take account of a range of initiatives that may be put in place.

7 Other Exceptional Circumstances

7.1 The Board recognises that in some cases there may be exceptional circumstances that warrant a case to be prioritised outside of the PRPF. Where exceptional circumstances are put forward by one of the parties for higher prioritisation, the request will be put before a duty member for consideration.

7.2 Circumstances need to be sufficiently exceptional to warrant a case being given a higher priority for an MCA paper review which is outside of the PRPF. 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 paper reviews may be unfairly delayed, despite their cases having similar merits to the case being considered for prioritisation.

7.3 The duty member will consider the request and may:

- Prioritise a case for a paper review – this is to give a case priority so that it is added to the next available MCA panel; or
- Refuse the request – the case will be panelled in line with the PRPF.

7.4 Prioritising a case will only be agreed in rare circumstances to ensure fairness to other prisoners awaiting a paper review, for example:

Prioritisation may be appropriate	Prioritisation not appropriate
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 or deferred once before (even if the current situation is not the 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.	