

# Listing Prioritisation Framework for Oral Hearings

March 2025 (v5.0)

## Document History

Document version	Date of Issue	Revision description
1.0	April 2009	First Publication
2.0	September 2009	Revisions following small changes to GPP process
3.0	July 2020	Revised to take account of changes to the operating model due to covid-19 restrictions
4.0	May 2023	Revised following end of covid-19 restrictions
5.0	March 2025	Fully revised and updated to include tier listing and prioritisation of sentences given to young people (under 18)

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## 1 Overview

- 1.1 The Parole Board (The Board) requires a transparent approach to listing cases for oral hearing 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 The Board has adopted a general set of principles to guide its approach to listing cases for an oral hearing. These are set out in this Listing Prioritisation Framework (LPF). These principles balance the need to manage overall caseload with the obligation the Board has to ensure the timely review of cases.
- 1.4 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 list each month. The Board will remain flexible in its approach to listing cases and will consider departing from the general principles set out below where there are compelling reasons to do so. The general approach to listing 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 Oral Hearing Proceedings

- 2.1 All parole cases undergo an initial paper review known as Member Case Assessment (MCA). An MCA panel will review the case and follow policy and guidance to determine if the case can be concluded on the papers or requires an oral hearing. Where an oral hearing is required, the MCA panel will determine the format of the hearing and allocate a tier for listing purposes, based on the time required to take evidence.<sup>1</sup>
- 2.2 The Board's current operating model lists approximately 93% of oral hearings remotely via a Cloud Video Platform (CVP) or on rare occasions as a secure telephone hearing. In some cases, a hybrid arrangement will be put in place, where some participants will attend in-person at the prison establishment whilst others will attend remotely.
- 2.3 The remaining 7% of oral hearings are held face-to-face (in-person). Where a face-to-face hearing is directed, the MCA panel will need to set out reasons in the directions why an in-person hearing is required.
- 2.4 Once an oral hearing panel chair is appointed, they may review the arrangements and make changes as necessary. Where appropriate, they may seek representations from the parties on any proposed changes. However, it is for the panel chair to determine the final arrangements.

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<sup>1</sup> An explanation of the tier listing process is set out section 20 of the [MCA Guidance](#)

### 3 Allocation Principles

- 3.1 A case can only be scheduled for an oral hearing date where the MCA panel has determined that it is “ready to list”.
- 3.2 This means that enough information is already available to progress the case to secure a listing date. More information may still be required, or directed, but this can be provided once an oral hearing date is confirmed.
- 3.3 Each month, the Board undertakes a “*bulk listing*” exercise. This exercise aims to list as many cases as possible that are marked “ready to list”. The Board adopts a tier listing process to support maximum use of resources and ensure cases can be allocated to panels with sufficient time to consider them. The MCA panel will determine the tier that each case will fall into, but this may be revised by the panel chair, where required.
- 3.4 The *bulk listing* exercise will take place over a two-week period. Cases will be allocated a listing date, usually, four months ahead. For example, if listed during the January *bulk listing* exercise, cases will be allocated a hearing in May. Hearing dates remain provisional until the *bulk listing* exercise is completed, and listings are confirmed by the Board’s Listings Team Leader.
- 3.5 **As there are usually more cases than available oral hearing slots, cases need to be allocated using an agreed approach.**
- 3.6 The starting point is to list all cases that, where they meet certain criteria, receive automatic prioritisation and sit outside this LPF. More information about this can be found in section eight. There will also be other cases where, exceptionally, an MCA panel or duty member has directed that the case be prioritised or expedited. More information about this can be found in section nine.
- 3.7 The Board will then allocate a listing date to cases that:
- Have been waiting for an oral hearing date for more than 90 days
  - Cases where the review has been ongoing for more than 18 months
- 3.8 The Board will then move to allocating the remaining cases according to the *date the review was due*. This differs for each type of case; please refer to the “definition of due dates by case type” list below in section four. The Board will ensure fairness across the different types of cases but will factor in individual circumstances where appropriate. Please note: the initial allocation using the *date the review was due* applies to all types of cases.
- 3.9 All cases with the same *date the review was due* are then further allocated by type of case using a *beyond the due date* categorisation. Where there is a choice between two or more cases for one available listing slot, the type of review will identify which one is listed. This is explained in more detail in section five.

#### 4 Definition of Due Dates by Case Type

- 4.1 **First review at tariff expiry - Indeterminate Sentence Prisoners (ISPs):**<sup>2</sup> the due date is the date of tariff expiry (TED). The Generic Parole Process (GPP) is designed so that a parole review should conclude around two months ahead of the TED; the LPF incorporates that intention.
- 4.2 **Further reviews after tariff expiry ISPs including further review of recalls:** the due date will be the date set by the Secretary of State upon referral to the Board. This category also includes ISPs undergoing a second or subsequent review following recall.
- 4.3 **Initial review following recall of ISPs:** the due date will be the date set by the Secretary of State upon referral to the Board.
- 4.4 **First Review Extended Determinate Sentence (EDS) /Sentence for Offenders of Particular Concern (SOPC)/Discretionary Conditional Release (DCR):** the due date is the Parole Eligibility Date (PED). The GPP is designed so that a parole review should conclude around two months ahead of the PED; the LPF incorporates that intention.
- 4.5 **Further reviews after tariff expiry EDS<sup>3</sup>/SOPC/DCR:** the due date will be the date set by the Secretary of State upon referral to the Board. This category also includes EDS/SOPC/DCR prisoners undergoing a review following recall.
- 4.6 **Advice Cases (ISPs):** the due date will be the date of the referral to the Board (i.e., date of receipt of the parole dossier). This category covers both pre-tariff and post-tariff matters which the Secretary of State has referred to the Board for advice under section 239 of the Criminal Justice Act 2003 (CJA2003).
- 4.7 **Combined reviews:** due to demand, life sentence and IPP/DPP advice cases (i.e., cases referred to the Board under section 239 of CJA2003) may not yet have been listed by the time the first or subsequent referral under section 28 of the CJA2003 is made. These cases are usually combined rather than having a review for advice on 'suitability for open conditions' running concurrently with a review to consider release. In order to fairly list combined reviews, they will be prioritised according to the original due date of the oldest live review for the prisoner.

#### 5 Allocation - Beyond Due Date

- 5.1 The Board's allocation for listing cases includes taking a *beyond due date* approach. This means that where there is a choice between two or more cases with the same *date the review was due* for one available listing slot, the type of review will identify which one is listed.

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

<sup>3</sup> There are also legacy extended sentence recall cases which are included here: Extended Sentence for Public Protection (EPP) and Extended Sentence Prisoner (ESP).

5.2 Cases allocated using the *beyond due date* will be listed in accordance with the following review type order:

1. First review at tariff expiry – initial release - ISPs.
2. Further reviews after tariff expiry - ISPs.
3. ISP recalls.
4. GPP Terrorist Offenders (Restriction of Early Release) Act 2020 (TORERA) reviews.
5. Power to Detain (PTD) – Standard Determinate Sentence (SDS) reviews.
6. First review at Parole Eligibility Date - initial release for EDS/SOPC/DCR. EDS recalls are also included here.
7. Further reviews after Parole Eligibility Date of EDS/SOPC/DCR.
8. Advice cases - ISPs.
9. SDS/ESP Annual reviews after initial recall review.
10. SDS Recalls.
11. Licence Termination (IPP) or Licence Variation requests.

<b>PRIORITY ORDER</b>	
<b>Review Type</b>	<b>PPUD<sup>4</sup> Label</b>
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 OnPost 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/SOPC/DCR – first review at Parole Eligibility Date (PED) – initial release. This also includes recalls for EDS/SOPC/DCR 7. EDS/SOPC/DCR – further reviews after PED	GPP TORERA Parole Review PTID Initial Review  GPP EDS Parole Review / GPP DCR EPP Parole Review / GPP SOPC Parole Review Standard 255c Recall Review (EDS)
8. ISP – advice cases (lifer and IPP/DPP)	Advice Case ISP Pre Tariff
9. SDS/ESP Determinate Sentence Offenders – annual reviews, referred after the initial recall review has been concluded	Further Review (Post Release) Annual Review ESP Annual Review
10. SDS - Determinate Recalls – initial recall review	Standard 255c Recall Review
11. Licence Termination (IPP/DPP) or Variation Requests directed for an oral hearing	PEC Licence Variation Termination of IPP/DPP Licence

<sup>4</sup> Public Protection Unit Database (PPUD) is the IT case management system used to manage and record all parole reviews.

- 5.3 Allocation can be further refined within each category by the length of wait and whether there are any other factors to consider, for example where they fall into one of the exceptions in section eight.
- 5.4 Once the initial list is produced (i.e., going by the *date the review was due*), where there is only one case listed on a particular panel (and there is capacity to add a further case), other newer cases will be slotted in using the same order of allocation according to the type of review and tier.

## 6 Maximised and Replacement Listing

- 6.1 Once the *bulk listing* exercise is completed, the Board will continue to list additional cases on any oral hearing panels where there is capacity within the allotted time for hearings to take place i.e., 9:30am until 5:30pm and there are available cases at the correct tier.
- 6.2 If an oral hearing for a particular case is deferred or adjourned before the oral hearing date, this creates a vacant slot. The Board will look to fill the vacant slot with another suitable case that is waiting for a scheduled hearing date. This can only be achieved where there is a case available at the correct tier and enough time to ensure it is sufficiently prepared for the hearing and witnesses are available. Cases can rarely be listed into vacant slots if there is less than four weeks until the oral hearing date.

## 7 Determinate Sentence Recall Cases

- 7.1 Determinate sentence recall cases are allocated lower down the LPF due to the sentence being determinate with a sentence expiry date (SED). However, the Board will, in the case of extended or standard determinate sentenced prisoners, aim to allocate them to vacated slots on scheduled panels, using the maximised listings approach. In particular, they will be prioritised under maximised listing to fill these vacancies.

## 8 Automatic Exceptions to the LPF

- 8.1 The Board has determined that certain cases must be automatically prioritised for listing irrespective of the *date the review was due*. These cases will be given priority in the next *bulk listing* exercise after they become marked as "ready to list".

### *Prisoners under 18 years old (children)*

- 8.2 The Board will automatically prioritise, irrespective of the *date the review was due* or review type, the listing of any prisoner who is under the age of 18 at the point of referral. The case will be listed once it is marked ready to list and will take account of the availability of the required witnesses.

### *Prisoners serving a sentence given when under 18*

- 8.3 The Board will automatically prioritise, irrespective of the *date the review was due*, the listing 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. The case will be listed once it is marked ready to list and will take account of the availability of the required witnesses.

#### *Prisoners in a mental health setting*

8.4 The Board will automatically prioritise, irrespective of the *date the review was due* or review 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

8.5 The case will be listed once it is marked ready to list and will take account of the availability of the required witnesses.

#### *Imprisonment/Detention for Public Protection (IPP/DPP)*

8.6 The Board has established an IPP Taskforce to manage all cases where the prisoner is serving an IPP/DPP sentence. Listing of these cases may fall outside of this Framework to take account of a range of initiatives that may be put in place.

### **9 Other Exceptional Circumstances**

9.1 The Board recognises that in some cases there may be exceptional circumstances that warrant a case be prioritised outside of the LPF. Where exceptional circumstances are put forward by one of the parties for higher prioritisation, the request will be considered by the MCA panel or put before a duty member for consideration. The MCA panel or duty member may direct that a case be prioritised outside of the LPF. This will only be agreed in rare circumstances to ensure fairness to other prisoners awaiting an oral hearing.

9.2 The MCA panel or duty member may:

- Prioritise a case for listing – this is to give a case priority in the next *bulk listing* exercise e.g., a listing date in four months' time
- Expedite a case - this is to list the case as soon as possible perhaps with a freshly commissioned panel at short notice
- Refuse the request

9.3 Circumstances need to be sufficiently exceptional to warrant a case being given a higher priority in the listings process than other cases. The first consideration is whether it would be appropriate to prioritise a case before considering an expedited listing. Both routes 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/expedition.

Examples of when prioritising would or would not be appropriate are set out on the table below:

<b>Reasons to Prioritise</b>	<b>Reasons not to Prioritise</b>
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 26 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).
	A member or witness could not attend the oral hearing due to illness.

Examples of when expediting would or would not be appropriate:

<b>Reasons to Expedite</b>	<b>Reasons not to Expedite</b>
Terminal illness or other factors pointing towards compassionate release.	A determinate recall prisoner has less than 26 weeks until their sentence is due to expire.
Compassionate reasons of close family members.	A case has been adjourned once before and that the current situation is not the prisoner's fault.
The original decision is the subject of an order for reconsideration or has been quashed by the High Court.	Requests for prioritisation solely on the grounds of positive report recommendations (unless this is the only difference between two cases).
Prisoner's reviews where a reconsideration application has been granted following an oral hearing.	It is taking an exceptional amount of time to get listed and you feel it is 'unfair' on the prisoner.
	A member or witness cannot attend on the day due to illness.