



Ministry
of Justice



HM Prison &
Probation Service

Policy name: Power to Detain Dangerous Prisoners Serving a Standard Determinate Sentence Policy Framework

Issue Date: 16 October 2025

Implementation Date: 14 July 2022

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: None

Introduces amendments to the following documents: N/A

Action required by:

☒	HMPPS HQ	☒	Governors
☒	Public Sector Prisons	☒	Heads of Group
☒	Contracted Prisons	☐	Contract Managers in Probation Trusts
☒	Probation Service	☒	Under 18 Young Offender Institutions
☐	HMPPS Rehabilitation Contract Services Team	☐	HMPPS-run Immigration Removal Centres (IRCs)
☐	Other providers of Probation and Community Services		

Mandatory Actions: All groups referenced above must adhere to the “What staff must do” sections of this Policy Framework, which contain all mandatory actions.

For Information: For ease, the title ‘Power to Detain Dangerous Prisoners Serving a Standard Determinate Sentence Policy Framework’ has been shortened to “**Power to Detain**” or abbreviated to “**PTD**” in this Policy Framework and supplementary guidance.

Whilst this Framework sets out the actions for which the Parole Board is responsible, the Framework does not bind the Parole Board in any way as it is an internal policy document of the Ministry of Justice.

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

In this document the term ‘Governor’ refers to the Governing Governor and also applies to Directors of Contracted Prisons.

The Youth Custody Service (YCS) operate under different arrangements to the adult Prison Service and uses different language. Public protection work is coordinated by the Resettlement Teams and the staff working with children throughout their sentence and planning for release are referred to as Resettlement Practitioners in Young Offenders Institutions (YOIs). In Secure Training Centres (STCs), Secure Children Homes (SCHs) they are known as Caseworkers and in the Secure School (SS) they are referred to as Restore Practitioners. These sites also use different case recording systems to NOMIS/DPS, the main system being YJAF. The OMic framework does not apply to the YCS but, the [Safeguarding and child protection in the children and young people secure estate Policy Framework](#) and [PSI 08/2012: ‘Care and Management of Young People’](#) set out additional requirements which apply specifically to children in prison.

Where this Policy Framework refers to the 'prisoner', the YCS will refer to the child in their care. In YCS cases all references will be as follows:

- Prison Offender Manager (POM) - refer to the 'Resettlement Practitioner' or 'Caseworker';
- Community Offender Manager (COM) - refer to the 'Youth Justice Service (YJS) Case Manager'; and
- Offender Management Unit (OMU) Managers i.e., Head of Offender Management Delivery (HOMD) or Head of Offender Management Services (HOMS) - refer to the Head of Resettlement.

For the eligibility criteria concerning age, see paragraph 6.3.

The HMPPS Panel Secretariat is based in the Public Protection Casework Section (PPCS) in Public Protection Group (PPG).

Staff should also refer to the supplementary guidance available on EQuIP.

How will this Policy Framework be audited or monitored: N/A

Resource Impact: The completed Resource Impact Assessment indicated a negligible impact on HMPPS resource, based on a range of assumptions considered in terms of the number of cases potentially impacted by this policy.

Contact: For all individual case queries: powertodetain@justice.gov.uk
For terrorism-risk cases and JEXU queries, also contact: noat.assurance@justice.gov.uk
For policy-related queries: PowerToDetainPolicy.PPOPS@justice.gov.uk

Deputy/Group Director sign-off: Gordon Davison, Public Protection Group

Approved by OPS for publication: Sarah Coccia and Ian Barrow, joint chairs, Operational Policy Sub-board, June 2022.

Revisions

Date	Changes
20 March 2025	• Amended wording at paragraph 1.3 and footnote 2 to clarify which prisoners serving terrorism or terrorism-connected offences could be eligible under this Policy Framework. • Removed paragraph 2.3 as this provided context relevant at the time of the first publication. • Amended wording at paragraphs at 4.20, 4.24 and 4.32 to highlight that PPCS will be responsible for procuring security reports (SPR-H) for applications under this Policy Framework. • Additional wording at paragraph 4.58 to confirm that the reconsideration mechanism can be applied for cases referred to the Parole Board under this Policy Framework. • Grammatical changes throughout this Policy Framework.
18 June 2025	• Change of contact for policy-related queries.
16 October 2025	• The Policy Framework has been restructured to collate requirements with the applicable guidance. Each section is now broken down into 'what staff must do' and 'what staff should know'. • Addition of section 4 on 'Equalities Considerations' • Addition of section 12 on 'Mental Health Cases'

	• Addition of section 13 on 'New Information' including where a prisoner receives a new sentence during the process. • Addition of section 14 on 'Rescinding a Referral and Revoking the Notice'. • Annex A has been removed from the Policy Framework and will now feature in HMPPS staff guidance. • Annex B has been removed from the Policy Framework. Instead, the Policy Framework signposts to the relevant content on Gov.uk. • Minor language and grammatical changes throughout this Policy Framework.
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1. **Purpose**

- 1.1 The Secretary of State for Justice (SSJ) has a duty under the Criminal Justice Act 2003 to automatically release certain fixed term prisoners¹ from custody when they have completed the requisite custodial period (at their Conditional Release Date). For a prisoner serving one sentence, the requisite custodial period will depend on the length of their sentence and/or the offence they have committed. For a prisoner serving two or more concurrent or consecutive sentences the requisite custodial period will be determined under sections 263(2) and 264(2B) or (2E) of the Criminal Justice Act 2003.
- 1.2 A provision set out in section 244ZB of the Criminal Justice Act 2003 (as inserted by Section 132 of the Police, Crime, Sentencing and Courts (PCSC) Act 2022) enables the SSJ to refer certain Standard Determinate Sentence (SDS) prisoners to the Parole Board instead of releasing them at their Conditional Release Date (CRD). Prisoners must meet both the [Legal Threshold](#) and the [Policy Criteria](#) to be eligible for consideration under this policy, which includes a dangerousness test and a public interest test. Following referral, the prisoner would then not be released until the Parole Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined; or the prisoner reaches the end of their sentence; or the SSJ revokes the 'Notice pursuant to section 244ZB(4) of the Criminal Justice Act 2003'² and rescinds any referral to the Parole Board.
- 1.3 This framework outlines the policy and process for the power to detain SDS prisoners and refer their cases to the Parole Board. The use of this power is reserved for SDS prisoners who were not judged to be dangerous at the point of sentence (or who may have been considered dangerous but were, for whatever reason, not eligible for an extended determinate sentence at the time of sentencing) but who are subsequently assessed to pose a significant risk of serious harm to members of the public occasioned by the commission of specified offences on release. This would include those who are serving a SDS custodial sentence (except those with a release provision under Section 247A of the Criminal Justice Act 2003³) 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, as set out by the PCSC Act (in section 244ZB of the Criminal Justice Act 2003). Qualifying offences: a. murder, b. specified offences, within the meaning of section 306⁴ of the Sentencing Code⁵.

¹ All reference to prisoner can also be applied to children/young people where they meet the eligibility criteria in this Policy Framework, particularly paragraph 6.3.

² This is often simply referred to as 'The Notice'.

³ For terrorism offences specified in Part 1 and 2 of Schedule 19ZA of the CJA 2003 or offences where a terrorism connection has been declared by the court.

⁴ <https://www.legislation.gov.uk/ukpga/2020/17/schedule/18>

⁵ Schedule 18 contains offences abolished under the Police, Crime, Sentencing and Courts Act 2022.

2. Evidence

- 2.1 The Police Crime, Sentencing and Courts Act 2022 inserted a power into the Criminal Justice Act 2003 to refer certain SDS prisoners to the Parole Board and so detain them in custody after their scheduled Conditional Release Date where the SSJ believes on reasonable grounds that the prisoner would, if released, pose a significant risk to members of the public of serious harm occasioned by the commission of specified offences (see paragraph 1.3).
- 2.2 This framework, therefore, sets out the requirements and guidance necessary for the operational line to follow in identifying and considering potentially suitable cases.

3. Outcomes

- 3.1 Prison and Probation staff are aware of this policy, the purpose of it, the processes and associated timeframes for identification, assessment, and submission of cases to the HMPPS Panel for consideration of referral of cases to the Parole Board;
- 3.2 Prison and Probation staff are aware of the role of the HMPPS Panel and the HMPPS Panel Secretariat in considering cases submitted to it;
- 3.3 Prison and Probation staff are aware of the [Legal Threshold](#) and [Policy Criteria](#) via which cases are considered suitable for possible referral to the HMPPS Panel;
- 3.4 HMPPS Panel members are aware of the [Legal Threshold](#), [Policy Criteria](#), process and timings associated with this framework in order for the HMPPS Panel to make an effective decision about whether to refer cases to the Parole Board; and
- 3.5 Staff in the HMPPS Panel Secretariat, within PPCS, are aware of the [Legal Threshold](#), [Policy Criteria](#), processes and timeframes to ensure that the HMPPS Panel meeting and any subsequent case referrals to the Parole Board takes place in line with these.

4. Equalities Considerations

- 4.1 The Equality Act 2010 provides protection from unlawful discrimination in relation to the following characteristics: age, disability, gender reassignment, pregnancy & maternity (which includes breastfeeding), race, religion or belief, sex, marriage and civil partnership, and sexual orientation.
- 4.2 HMPPS is committed to eliminating all forms of discrimination, to promoting equality and diversity, and to ensuring equal access to services. No child or group of children should be disadvantaged in being able to access services which meet their needs. HMPPS recognises that all children have a right to equal protection from harm and abuse. This includes protecting children irrespective of cultural sensitivities: different practices or beliefs are no excuse for child abuse and neglect.
- 4.3 There is a potential for unconscious bias in decision making, therefore it is recommended that HMPPS staff who are involved with working with offenders undertake Diversity and Inclusion Training.
- 4.4 For women, staff should consider consultation with the Women's Estate Psychology Services (WEPS) to support any decision-making process. Where there is active consultation with WEPS, the consultation process can be utilised for support during the

decision-making process. Applying a Gender Specific Trauma Informed approach to this process will help Practitioners identify supportive actions or measures they could put in place to understand and mitigate some of the identified risks. For further information on Women Offenders, see the [Women's Policy Framework](#) on Gov.uk.

- 4.5 Guidance on the Language Services available to the Probation Service is available on EQuIP. This includes translation, transcription, braille services and interpreting services (including British Sign Language).

5. Policy Constraints

- 5.1 Prisoners serving only indeterminate or parole eligible determinate sentences ('non-qualifying sentences') are not eligible under the [Legal Threshold](#) in this Policy Framework. For further information see paragraph 6.4.
- 5.2 If the HMPPS Panel (see paragraph 10.6) issue the Notice⁶ to detain a prisoner beyond their conditional release date, the holding prison must not release the prisoner without instructions from the HMPPS Panel Secretariat, unless the prisoner's sentence(s) has fully expired or release has been directed by the Parole Board.
- 5.3 Prisoners must not be held in custody under the Power to Detain beyond their SLED of the qualifying sentence.
- 5.4 Referrals to the Parole Board cannot be rescinded once they have issued a provisional decision. The Reconsideration Mechanism and the power to set aside a Parole Board decision can be applied where a Power to Detain case is considered by the Parole Board. For further information of the Reconsideration Mechanism and the power to set aside a Parole Board decision, see paragraphs 11.10 and 11.13.

6. Eligibility Criteria

- 6.1 The following section sets out the [Legal Threshold](#) and [Policy Criteria](#) for the power to be applied to prisoners.

Legal Threshold

- 6.2 **Statutory test:** The statutory test set out below must be met for the Secretary of State to use the power. In determining whether a prisoner is eligible, it must be applied to all cases considered under this policy. This test is ultimately what the HMPPS Panel will use when deciding if a case should be referred to the Parole Board for a decision on release:

The Secretary of State is of the requisite opinion if the Secretary of State believes on reasonable grounds that the prisoner would, if released, pose a significant risk to members of the public of serious harm occasioned by the commission of any of the following offences—

(a) murder;

(b) specified offences, within the meaning of section 306⁷ of the Sentencing Code⁸.

⁶ 'Notice pursuant to section 244ZB(4) of the Criminal Justice Act 2003'

⁷ <https://www.legislation.gov.uk/ukpga/2020/17/schedule/18>

⁸ Schedule 18 contains offences abolished under the Police, Crime, Sentencing and Courts Act 2022.

- 6.3 **Age:** To be eligible under the legislation, prisoners must be (or will be) aged 18 or over on the first day they would be entitled to conditional release i.e. their Conditional Release Date (CRD). Children or young people who are sentenced prior to turning 18 are in scope so long as they are 18 years of age on the day that they would be released at their CRD.
- 6.4 **Release provisions:** Prisoners must be due for release under section 243A, 244 or 244ZA of the Criminal Justice Act 2003 ('qualifying sentences'), see paragraphs 5.1 and 6.5. Prisoners with consecutive or concurrent qualifying and parole eligible determinate non-qualifying sentences are legally eligible.

Policy Criteria

- 6.5 **Concurrent and consecutive sentences:** Prisoners serving both a qualifying sentence and a non-qualifying sentence are legally eligible to be considered under this policy – but they will not be referred under this power where it is rendered unnecessary by release being solely reliant on the outcome of statutory parole reviews. This is because the Parole Board will consider release under the processes in place for their existing sentence(s), see paragraphs 5.1 and 6.4.
- 6.6 **Dangerousness test:** Prisoners must also meet a test for dangerousness - based on the new information described at 1.3 and 6.13, the risk presented by the prisoner would:
- a. cause serious harm to the public (through terrorism, death or serious injury/sexual assault) or present a national security threat if the risk were to materialise;
 - b. be likely to materialise at or soon after the conditional release point (e.g., a degree of probability about the risk arising following release and that it may be imminent);
 - c. be credible (the prisoner has the capability and means to commit a serious offence); and
 - d. not be safely manageable using the normal means of applying even very stringent licence conditions, supervision and restrictions.
- 6.7 **OASys (Asset+⁹):** As part of this dangerousness test, prisoners must be assessed as being very high risk of serious harm on OASys⁹ (Asset+) under any risk category (e.g., the public, known adult, children etc.) meaning that there is an imminent risk of serious harm i.e., the potential event is more likely than not to happen imminently, and the impact would be serious.
- 6.8 **MAPPA:** Prisoners must be managed at MAPPA level 3 at the point the case is submitted to the HMPPS Panel. This applies to the most complex cases where formal multi-agency meetings would add value to the Probation Service's management of the offender's risk of serious harm posed and where management issues require senior representation from the Responsible Authority and Duty-to-Co-operate agencies. For further information see [Chapter 7 – 'Levels of Management'](#) in the [MAPPA Guidance](#).
- 6.9 **Terrorist risk:** Where the prisoner is considered to pose a terrorist risk, as a minimum they must also be currently managed at the highest levels of the case management process for

⁹ YJAF and Asset+ will be used in place of the OASys risk assessment for prisoners who will be under 18 years old when their case is considered and submitted to the HMPPS Panel for their consideration.

prisoners who pose a terrorism risk. For more information contact
CTOperationalPolicy@justice.gov.uk.

- 6.10 **Public interest test:** If the dangerousness test is met, the public interest test must determine whether, on balance, it is in the public interest to detain the prisoner (as a consequence of referring the prisoner to the Parole Board), potentially to the end of their sentence (see 6.11), rather than release them at their CRD. This must be accompanied by deliverable sentence planning activities which set out how any extra time served in prison will be used to reduce risk of harm. This should include deliverable objectives/activities where possible.

What staff should know

- 6.11 **Consider long-term risk: When submitting an application to the HMPPS Panel (via their secretariat),** those parties involved with planning for the release of high-risk prisoners and identifying potential prisoners within scope of this policy **must demonstrate that they have considered whether or not the shorter-term reduction in risk to the public is outweighed by a longer-term increase in risk.** Where this power is used, some prisoners could be detained until their sentence expires. When making a referral to the HMPPS Panel (via their secretariat), evidence must include consideration of the impact of the prisoner potentially being released without licenced supervision in the community.
- 6.12 **Risk management:** The power should be applied only where other risk management approaches have been assessed as insufficient to manage the risk presented upon release, as indicated by new evidence or security intelligence (see paragraphs 8.14 to 8.16), and when the power is considered the only remaining reasonable option.
- 6.13 **New and additional information:** Prisoners will be considered for referral only where the reasonable grounds are based on new or additional information not available at the time of sentencing. This information must give reasonable grounds for believing that the prisoner poses an imminent and very high (unmanageable) risk of serious harm on release occasioned by the commission of specified offences, as set out in the [Legal Threshold](#) and [Policy Criteria](#). Existing information, including that which was before the Sentencing Court, is not sufficient on its own. New or additional information must be included in a recently reviewed OASys assessment⁹, see paragraphs 7.3 and 7.5.
- 6.14 **Security categorisation:** The new or additional evidence or security intelligence (see paragraphs 8.14 to 8.16) triggering consideration under this policy may have also triggered a review of a prisoner's security category. Prisoners considered under this policy must be located in closed conditions. If they are in an open prison, it is expected that this prompts a swift review of the prisoner's security category. For more information see the [Security Categorisation Policy Framework](#) on Gov.uk.
- 6.15 **Children and young people:** Some young people are transferred to the adult estate when they turn 18 at which point they are managed as adult prisoners. However, some young people remain in the youth estate after turning 18 due to there being little time left to be served in custody. The key difference, for this policy, is that these prisoners are likely to be managed by YJS Case Managers as opposed to COMs who manage typical adult prisoners.
- 6.16 **Foreign National Offenders:** Staff must not assume that a Foreign National Offender (FNO) will be detained or removed by the Home Office after their sentence. If an FNO meets the criteria for this framework, they should still be considered for submission to the

HMPPS Panel — even if flagged for deportation. Immigration detention does not provide equivalent risk management or rehabilitation. Staff should consult the Home Office on likely action, but this must not delay or prevent referral under PTD where thresholds are met.

- 6.17 **Exceptional consideration:** HMPPS uses a range of risk assessment tools designed to measure the risk that prisoners may pose. Before referring a case to the Parole Board, the Secretary of State must be satisfied that the prisoner meets the statutory [Legal Threshold](#) contained in this policy. The processes below outline how to identify prisoners eligible to be considered for referral under the power. Prisoners considered for referral who do not meet all policy criteria may be assessed as posing a specific risk and, in such circumstances, they may be considered exceptionally by the HMPPS Panel or SSJ on a case-by-case basis. For these cases, staff should discuss the case with the HMPPS Panel Secretariat in the first instance.
- 6.18 **SSJ discretion:** The HMPPS Panel, on the SSJ's behalf, exercises the discretion as to whether to apply this power. Further to the statutory requirements, the SSJ can use their discretion to refer a case to the Parole Board exceptionally outside of the policy criteria. Consequently, as part of the process of identifying eligible prisoners, HMPPS's existing risk management tools will be used.

7. Identification of Cases

- 7.1 Concerning behaviour or security intelligence (see paragraphs 8.14 to 8.16) may become apparent at any point in a prisoner's sentence; however, staff should consider the submission deadline at 8.1 before preparing a case for submission to the HMPPS Panel. The main potential routes for identification are:

- **OMiC Early Allocation (EA)**
- **COM Management** - This is where they are not picked up by OMiC EA. It will also include young people still in the youth estate and prisoners who are a terrorist risk and subject to case management processes (where not identified under the route above).

What staff must do

<u>OMiC Early Allocation</u>		Action by
7.2	Violent and sexual risk: The prisoner's behaviour and collected security intelligence (see paragraphs 8.14 to 8.16) triggers general concern about their risk. The POM must complete the OASys assessment ⁹ and refer the prisoner to the OMiC EA process. This may happen at or after the 18-month referral point of the OMiC EA process.	POM
7.3	Violent and sexual risk: The EA referral is accepted, the COM assesses the prisoner's risk of serious harm to be very high and the OASys assessment ⁹ is completed.	COM
7.4	Terrorist risk: Joint Extremism Unit (JEXU) and offender management teams identify that the prisoner is eligible for referral to the HMPPS Panel.	JEXU / COM

	The JEXU must notify the COM and provide them with information in the form of a disclosable form of words (gist) to explain why the prisoner has been identified as eligible.	
7.5	Terrorist risk: The COM updates the OASys assessment ⁹ and assesses the prisoner's risk of serious harm as very high.	COM
<u>COM management</u>		Action By
7.6	Violent and sexual risk: The prisoner's behaviour and security intelligence (see paragraphs 8.14 to 8.16) collected triggers general concern that risk has escalated.	POM / COM
7.7	Violent and sexual risk: The COM assesses the prisoner's Risk of Serious Harm to be very high and the OASys assessment ⁹ is completed.	COM
7.8	Terrorist risk cases: See paragraphs 7.4 to 7.5 above.	JEXU / COM

What staff should know

- 7.9 **Recording information:** HMPPS staff should maintain a record of their discussions during the process and adhered to the [Information Sharing Policy Framework](#) on Gov.uk. Records of these discussions will not replace the required documents at 9.3. For example, this will provide a record of initial discussions where a case was identified, in line with this Policy Framework, but no application was subsequently made to the HMPPS Panel (via the Secretariat). This ensures that HMPPS staff supervising the prisoner will have information regarding previous considerations which will be particularly helpful where the case may have moved to a different staff member's caseload.
- 7.10 **Identification:** Appropriate cases will be identified through existing risk management and monitoring processes, by those responsible for the case at the time new or emerging risk arises, or existing risk has escalated and is deemed unmanageable were the prisoner is to be released at their CRD.

8. Preparing Cases for Submission to the HMPPS Panel

- 8.1 **Submission deadline:** The case should be submitted to the HMPPS Panel Secretariat **no earlier than 12 months, but no later than 28 days, prior to the prisoner's Conditional Release Date (CRD)**. This will allow time for the HMPPS Panel and (subsequently) the Parole Board to consider the case. All parties involved, including the prisoner, should have as much notice as possible if release will not take place at the CRD. Early notice increases transparency and procedural fairness, and enables the prisoner to be released at their CRD (or as soon as possible after) where the HMPPS Panel do not refer a case to the Parole Board or the Board do not direct the prisoner to remain in custody. In these cases, it will also provide the Probation Practitioner time to put a robust risk management plan in place and convene any case management meetings. Where cases are, exceptionally, identified in the last 28 days prior to CRD, the HMPPS Panel Secretariat must be notified as a matter of urgency including the reason for the late submission.

What staff must do

<u>Meeting the Legal Threshold</u>		Action by
8.2	The COM must notify the HMPPS Panel Secretariat of the intention to submit a case for consideration as early as possible. This allows the HMPPS Panel Secretariat time to request and obtain the disclosable security report (see paragraphs 8.14 to 8.16) from the prisoner's current establishment, to inform the Power to Detain Report. The HMPPS Panel Secretariat will share the disclosable security report with the COM.	COM
8.3	The Head of the Probation Delivery Unit (or a delegate of at least a Senior Probation Officer role) will contact the Governor of the prisoner's current establishment (or delegated Head of Offender Management Services, in their absence) to discuss the case and to offer the prison advanced notification of the possibility of the power being used.	Head of PDU / Governor
8.4	The prison must provide the HMPPS Panel Secretariat with a disclosable security report (see paragraphs 8.14 to 8.16) upon request.	Head of Security
8.5	Violent & sexual risk: Where appropriate, the case is triaged for management by the National Security Division (NSD). The process is led locally in Probation regions by Heads of Public Protection and follows the existing triage process, which must have been initiated at the point that a case is being submitted to the HMPPS Panel Secretariat.	Head of Public Protection / COM
8.6	The below staff will initially consider whether the prisoner meets the Legal Threshold in this Policy Framework. Violent & sexual risk: Considered by NSD, the probation regions or YCS. The COM must make the initial decision, considering all relevant information. The Head of Service/Head of National Security Unit (HoNSU) approves the decision. Where cases are not referred to NSD, or do not meet the threshold for NSD management, Probation regions or YJS will consider whether the prisoner meets the threshold for referral to the HMPPS Panel Secretariat, utilising feedback from Heads of Public Protection where appropriate. Terrorist risk: The case will be considered by JEXU and offender management teams as part of terrorism case management processes.	Head of Service / HoNSU / JEXU / COM
8.7	Unless already managed under MAPPA level 3, the prisoner will be referred for management at this MAPPA level. Early consideration of MAPPA should be considered in line with the MAPPA guidance , see paragraph 6.8.	COM
<u>Meeting the Policy Criteria</u>		Action by

8.8	Violent & sexual risk: Heads of Service must consider whether the prisoner's case meets the criteria for review by the HMPPS Panel for consideration of referral to the Parole Board.	Head of Service / HoNSU / RPD
8.9	Terrorist risk: JEXU and offender management teams, through case/risk management processes, must consider all relevant information and whether the criteria is met for submitting the case to the HMPPS Panel for consideration of referral to the Parole Board.	JEXU / HoNSU
8.10	As part of the above consideration (at 8.7 and 8.8), staff must action the following: - decide if the prisoner meets the Policy Criteria, including both the Dangerousness Test and the Public Interest Test - satisfy themselves that the reports (including the Power to Detain Report) prepared for submission to the HMPPS Panel Secretariat are of sufficient quality.	Head of Service / HoNSU / JEXU
<u>Final Sign-Off for Submission</u>		Action By
8.11	If the Head of Service/HoNSU considers that the prisoner meets the eligibility criteria and is satisfied that all reports are present and of sufficient quality, they will submit the case to the following: Violent & sexual risk – the appropriate Regional Probation Director (RPD); or Terrorist risk or NSD management (including violent & sexual risk) – the Director of National Security Division (DoNSD) When collating evidence, give full consideration as to whether you have provided adequate information upon which the HMPPS Panel can base their decision.	Head of Service / HoNSU
8.12	If the RPD/DoNSD is satisfied that the prisoner meets both the eligibility criteria for submission and that all required reports are present and of sufficient quality, they endorse the Power to Detain Report. In cases where the RPD or DoNSD (or covering RPD or DoNSD) is absent and unavailable to endorse the Power to Detain Report, this responsibility can be delegated to the relevant Head of Service or HoNSU. This should be clearly referenced in the Power to Detain Report.	RPD / DoNSD

What staff should know

- 8.13 **National Security Division (NSD) or probation region management:** NSD is designed to provide an enhanced case management model for the highest risk and highest profile cases. NSD triage should be considered if there is terrorist or serious organised crime risk or of the case meets the threshold for Critical Public Protection (CPP) registration. If the case presents a terrorist risk, referral to NSD triage should be via the Joint Extremism Unit

(JEXU) Probation Counter Terrorism Team. If you are considering PTD, and the case is not already a CPP Case (or “CPPC”), consider if this would be appropriate. If you are unsure, have a discussion with the CPPC team (CPPC@justice.gov.uk) or Head of National Security Unit. Where the prisoner’s case is referred to the NSD for triage, NSD will consider, alongside the Probation Delivery Unit (PDU), whether they will take on management of the case. The prisoner is then triggered for referral for management at MAPPA level 3, see paragraph 6.8.

- 8.14 **Collating evidence:** Evidence will be collated from a range sources by the COM, including security intelligence (see paragraphs 8.14 to 8.16) from within prison, the police and other partner agencies, to build a comprehensive picture of the nature and level of risk the prisoner presents. This must also include any evidence which may lower the prisoner’s assessed risk, drawing on existing sources of evidence and assessments, including risk assessments conducted in prison (e.g., the Extremism Risk Guidance 22+, the OASys risk assessment⁹, ViSOR record, or MAPPA referral). Other sources would include assessments around the prisoner’s engagement and progress with offending behaviour programmes and interventions including theological and ideological interventions provided by specialist prison chaplains, violence reduction programmes or programmes aimed at those convicted of sexual offending. All security information/intelligence in the Power to Detain Report must be from the disclosable security report obtained by the HMPPS Panel Secretariat (see paragraphs 8.14 to 8.16). Staff should refer to the [Equalities Considerations](#) section of this Policy Framework.
- 8.15 **Security Intelligence:** In some cases, there will be security intelligence about the risk a prisoner presents, and this intelligence may be important to the case for submission to the HMPPS Panel, see paragraphs 8.2 and 8.14. Intelligence must be shared in a form which the HMPPS Panel and subsequently Parole Board members, prisoners, and their legal representatives (where the HMPPS Panel refer the case to the Parole Board) can easily understand, see paragraphs 8.17, 8.18 and 9.4. This information must be provided in a Sentence Planning Review H (SPRH) report format (referred to as a ‘disclosable security report’ in this Policy framework), summarising at least a 6-month period. Where there is any uncertainty regarding a particular case, security staff should contact the HMPPS Panel Secretariat as a matter of urgency. Should the HMPPS Panel Secretariat identify missing information they may request the relevant teams/functions to update the report. This must be completed within the requested timeframe.
- 8.16 If there are exceptional circumstances preventing the completion of the disclosable security report within the timeframe specified, the relevant team or function must provide a written explanation to the HMPPS Panel Secretariat. For further information regarding intelligence content and format, see paragraphs 10.7.(b) and 10.8 of the Intelligence Sharing Policy Framework on Gov.uk.
- 8.17 **Disclosable information:** Where it is deemed not possible to produce a disclosable security report (see paragraphs 8.14 to 8.16), the HMPPS Panel Secretariat must be notified as a matter of urgency.
- 8.18 As described above, for the processes within this Policy Framework to be effective and used lawfully, prisoners must be given reasons as to why their conditional early release has been denied. In order to do so, the evidence used in these cases must be credible and predominantly overt and disclosable.
- 8.19 **Final sign-off:** RPDs/DoNSD should ensure that the Power to Detain Report contains a full rationale for submission of the case to the HMPPS Panel Secretariat, and that the supporting reports are appropriately referenced with links made between new evidence/ security intelligence (see paragraphs 8.14 to 8.16) and increased risk. **The Power to**

Detain Report will be fully disclosable to the prisoner and the Parole Board where the power is used. Any supporting reports referenced in the Power to Detain Report should also be fully disclosable and provided to the HMPPS Panel Secretariat.

9. Submitting Cases to the HMPPS Panel

- 9.1 Submissions to the HMPPS Panel Secretariat must be concise yet well-evidenced and based on sufficient disclosable evidence. The HMPPS Panel must be given all relevant material to take a decision, in a form which is sufficient to demonstrate, accurately, the content and credibility of the primary material.
- 9.2 As far as possible, non-disclosable evidence should not be used (see paragraphs 8.15, 8.16, 9.1 and 9.4). If the grounds for considering a prisoner dangerous and suitable for referral solely consist of non-disclosable evidence, the case must be discussed with the HMPPS Panel Secretariat as a matter of urgency. Where required, a Ministry of Justice legal representative should review the case and agree a legal strategy before the HMPPS Panel make their decision.

What staff must do

<u>Submissions to the HMPPS Panel Secretariat</u>		Action by
9.3	The COM will submit RPD/DoNSD endorsed cases to the HMPPS Panel Secretariat via the functional mailbox: powertodetain@justice.gov.uk, ensuring that all reports for the HMPPS Panel (forming the dossier) contain all relevant information, including the following mandatory reports: • Power to Detain Checklist; • Power to Detain Report, which sets out the justification for submission and identified deliverable sentence planning activities; • List of previous convictions; • OASYS assessment⁹ (Asset+ for those under 18 at submission point); • Disclosable security report (SPRH - obtained by the HMPPS Panel Secretariat); and • ERG assessment (for terrorist risk cases – where time allows). If available, the latest psychologist report and ERG assessment (for terrorist risk cases) will be provided. For prisoners who will be under 18 years old when considered by the HMPPS Panel, relevant Youth Justice Application Framework (YJAF) documentation should also be provided (paragraphs 6.3 and 6.15).	COM
9.4	All submitted reports, including the Power to Detain Report, must only include information that can be fully disclosed. Where there are any concerns about the disclosure of information, this must be discussed with the HMPPS Panel Secretariat before submission of the case.	COM
9.5	The RPD/DoNDS must authorise the Power to Detain Report which must contain a rationale for submitting the case to the HMPPS Panel, and clear and deliverable sentence planning activities for the prisoner's required risk reduction work while in custody.	RPD / DoNSD

9.6	If the RPD/DoNSD wishes to rescind a submission, they must provide justification for this to the HMPPS Panel Secretariat, who will share with the HMPPS Panel for a decision, see the Rescinding a Referral and Revoking the Notice section of this Policy Framework.	RPD / DoNSD / HMPPS Panel Secretariat
9.7	The HMPPS Panel Secretariat will collate the reports (including the Power to Detain Report) and will ensure all necessary information is present before providing it to the HMPPS Panel.	HMPPS Panel Secretariat

What staff should know

- 9.8 **Quality assurance:** The HMPPS Panel Secretariat will ensure that all mandatory reports (including the Power to Detain Report) are received from the COM. The HMPPS Panel Secretariat will not be responsible for quality assurance of these documents as that responsibility will sit with RPDs/DoNSD ahead of submission of a case.

10. HMPPS Panel Consideration

- 10.1 To ensure the quality and volume of cases referred to the Parole Board are of a consistently good standard, a panel of senior HMPPS staff will refer cases to the Parole Board on the SSJ's behalf.
- 10.2 **The HMPPS Panel:** The HMPPS Panel comprises the HMPPS Chief Psychologist, Executive Director for Security and the Chief Probation Officer, or an appropriate senior representative in their absence. This provides a fair balance of perspectives from across HMPPS and ensures that decisions on using the power to refer to the Parole Board sits squarely with the prison and probation services, on behalf of the SSJ.

What staff must do

HMPPS Panel consideration		Action by
10.3	The HMPPS Panel will consider the dossier presented and assess whether the prisoner meets the Legal Threshold and Policy Criteria and should be referred to the Parole Board. The HMPPS Panel will inform the HMPPS Panel Secretariat of their decision within 1 working day of making it.	HMPPS Panel / HMPPS Panel Secretariat
10.4	If the HMPPS Panel decide that: - some, but not all, of the criteria is met; or - they cannot reach a unanimous decision as to whether the criteria have been met; they must provide advice to the SSJ (or their delegate) so they can take the decision whether to refer the offender.	HMPPS Panel Secretariat
10.5	If the HMPPS Panel and, where appropriate, the SSJ (or their delegate) decide not to refer the prisoner's case to the Parole Board, the HMPPS Panel Secretariat will notify the relevant COM within 2 working days of receipt of the Panel's decision, and case management will continue as	SSJ / HMPPS Panel /

	before. The notification will set out the HMPPS Panel's rationale for not referring the case to the Parole Board.	HMPPS Panel Secretariat
10.6	If the HMPPS Panel and, where appropriate the SSJ (or their delegate), decide to refer the prisoner's case to the Parole Board, the prisoner must be notified within 2 working days of the HMPPS Panel Secretariat receiving the HMPPS Panel's decision. The HMPPS Panel secretariat will issue the 'Notice pursuant to section 244ZB(4) of the Criminal Justice Act 2003')² to the prison via the most appropriate route, following discussion with the Governor (or a delegate in their absence). The Notice⁶ is a statutory document that overrides the prisoner's conditional release date and must: • be in writing; • explain the effect of the Notice⁶ (i.e., the prisoner's conditional release date is overridden, and they will be referred to the Parole Board); • provide reasons why the SSJ has decided to refer the case to the Parole Board (see paragraph 10.16); • explain that the prisoner has a right to make representations; and • be delivered to the prisoner by the most appropriate member of staff (POM, Key Worker or a member of the Offender Management Unit with sufficient knowledge) to explain the decision, within 1 working day of receipt of the decision. Where the CRD falls on the following day, the Notice⁶ must be disclosed and explained on the same day it is received.	SSJ / HMPPS Panel Secretariat / POM
10.7	Staff involved in notifying the prisoner of the decisions must be aware of the possibility that this could lead to self-harm and suicide. It is important to be alert for any signs that the prisoner's risk of harm to themselves has increased. There is also a risk that a prisoner may become violent to staff or other prisoners. It is important that, once the Notice ⁶ has been delivered, residential staff have been informed and are aware of the potential safety risks. More details of how to manage these situations are in the Prison Safety Policy Framework and see paragraph 10.18.	Governor
10.8	Prisons must consider the safety of staff and take appropriate safeguarding action where there is an increased risk posed by prisoners as a result of the use of this Policy Framework in individual cases.	Governor
10.9	Once the Notice ⁶ has been issued and received by the prisoner, the HMPPS Panel Secretariat will refer the case to the Parole Board, see paragraph 11.4.	HMPPS Panel Secretariat
10.10	The prisoner may make representations to the HMPPS Panel at any time from receipt of the Notice ⁶ , including once the Parole Process has commenced, and up to the point the Parole Board makes a final decision. The HMPPS Panel or SSJ must consider any representations made by the prisoner.	HMPPS Panel / HMPPS Panel Secretariat
10.11	If at any time the HMPPS Panel assess that the prisoner no longer meets the Legal Threshold (either because of representations or other reasons) they must formally rescind the referral to the Parole Board	HMPPS Panel / HMPPS

	(where applicable) and revoke the Notice ⁶ to the prisoner, see the Rescinding a Referral and Revoking the Notice section of this Policy Framework.	Panel Secretariat
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What staff should know

- 10.12 The HMPPS Panel will consider cases against the [Legal Threshold](#) as set out in section 244ZB of the CJA 2003, see paragraph 6.2.
- 10.13 **Triage:** The HMPPS Panel will perform a ‘triage’ function by assessing whether prisoners meet the threshold to be referred to the Parole Board by applying the following criteria:
- the prisoner will present a risk of serious harm to the public or a specified individual imminently on release (specified offences, within the meaning of section 306 of the Sentencing Code¹⁰);
 - there is evidence of this risk;
 - the risk cannot be managed effectively in the community using existing available means (even under very stringent licence conditions); and
 - a referral to the Parole Board is in the public interest (noting that further time in prison could mean the offender is released without a period of management on licence).
- 10.14 **Panel dossier:** To make this decision, the HMPPS Panel will consider a ‘panel dossier’ comprising of the mandatory reports listed at 9.3 The HMPPS Panel will consider the dossier presented and will decide whether they believe the prisoner meets the [Legal Threshold](#) and [Policy Criteria](#) and should be referred to the Parole Board.
- 10.15 The HMPPS Panel does not need to consider all primary evidence relating to the prisoner; a summary of such evidence will be sufficient so long as the information provides sufficient detail about the case for the Panel to make an informed decision. Those submitting cases will assess all the relevant information which relates to the prisoner and can inform the ‘panel dossier’ through their statement as to why the prisoner warrants referral to ensure it provides that rounded picture.
- 10.16 **The Notice⁶:** The prisoner notification must contain sufficient material for them to understand the HMPPS Panel’s decision, why it was taken, and that they can make representations to the HMPPS Panel. This means genuine and meaningful disclosure of any allegations, in the form of a gist if appropriate. Generic statements, which provide very little about the basis of the HMPPS Panel decision, will not be adequate.
- 10.17 **Notifying the prisoner:** Prisoners must be notified of the HMPPS Panel’s decision via the most appropriate route, following discussion with the Governor, with support from a member of staff able to explain it fully to the prisoner. The appropriate member of staff should set out what the prisoner may expect to happen next i.e., that their case will be referred to the Parole Board who may decide to release or further detain them. It should also be explained that the prisoner may submit representations against the HMPPS Panel’s decision. **This will be a difficult conversation to have with the prisoner and their wellbeing, and the safety and wellbeing of all involved (staff and prisoner), should be**

¹⁰ <https://www.legislation.gov.uk/ukpga/2020/17/schedule/18>

carefully considered when making this notification, and following it. For more information see paragraphs 10.7 and 10.8.

- 10.18 If the HMPPS Panel reject the case, the HMPPS Panel Secretariat will notify the relevant COM, setting out their rationale for rejecting the case, and case management will continue as before.
- 10.19 Where the HMPPS Panel decide that referral to the Parole Board is appropriate, the HMPPS Panel Secretariat will commence the referral to the Parole Board in line with the Parole Process only once the Notice⁶ to the prisoner has been issued and received.

11. The Parole Process

- 11.1 All information considered by the HMPPS Panel must be made available to the Parole Board. Where insufficient time is left prior to the prisoner's CRD, shorter timeframes for provision of mandatory reports may be set to enable timely progression of the case.
- 11.2 Once a case is referred, the process is governed by the Parole Board.
- 11.3 The other processes set out in the following Policy Frameworks should be followed: [Handling of Sensitive Information, Including Information Provided by Victims, For the Purpose of Parole Board Reviews Policy Framework](#) and [Parole Board Oral Hearing Administration & Attendance Policy Framework](#) on Gov.uk.

What staff must do

Parole Process		Action By
11.4	Victims engaged in the Victim Contact Scheme (VCS) or Victim Notification Scheme (VNS) must be notified only once the prisoner has received their Notice ⁶ stating the CRD is overridden, to mitigate any concerns at not having been contacted about licence conditions for the CRD. The victim can then exercise all the rights to which victims are entitled under the Victims Code when it comes to a prisoner's parole review.	HMPPS Panel Secretariat / COM / Victim Liaison Officer
11.5	The HMPPS Panel Secretariat will commence the Parole Process following receipt of the HMPPS Panel's decision to refer a case to the Parole Board. Once the Parole Board dossier is complete, the Secretariat must refer the case to the Parole Board.	HMPPS Panel Secretariat / Parole Board
11.6	The Parole Process will then take place with the Parole Board responsible for requesting representations from the prisoner and reviewing the evidence provided as part of that process.	HMPPS Panel Secretariat / Parole Board
11.7	The Parole Board will then make their decision either on the papers or following an oral hearing. If they determine it is necessary for the protection of the public that the prisoner continue to be confined, the prisoner will remain in custody and their release will be reviewed annually by the Parole Board, see paragraphs 10.7 and 10.8.	Parole Board / HMPPS Panel Secretariat

11.8	PPCS will refer the prisoner's case to the Parole Board annually following a no release decision, until either the prisoner is deemed safe to be released and managed on licence, or their custodial sentence ends, and they are released with no licence or supervision in place.	HMPPS Panel Secretariat / Parole Board
11.9	The COM will retain responsibility for the case ensuring that a realistic and deliverable sentence plan is in place for the duration of the prisoner's time in custody, and while on licence.	COM
11.10	Where the Parole Board decide that the prisoner is safe to release, they will be released either at their conditional release date (or as soon as is reasonably practicable where the decision is issued after the conditional release date). The Parole Board will set the licence conditions, and the prisoner will be managed in line with their SDS licence unless no licence period remains. Where a parole review is underway, the prisoner must not be released without formal notification from the HMPPS Panel Secretariat.	HMPPS Panel Secretariat / Prison
11.11	Reconsideration Mechanism: The SSJ or the prisoner may apply for reconsideration (in application of the relevant parts of the Parole Board Rules) of any Parole Board decisions referred under this policy. All parties must follow the requirements and guidance set out in Chapter 3.7 – 'Reconsideration of Parole Board decisions' in the Generic Parole Process Policy Framework .	HMPPS Panel Secretariat

What staff should know

- 11.12 **Parole and mental capacity:** Where there are concerns about the prisoner's mental capacity to participate and make decisions about their parole review, all parties must follow the requirements set out in Chapter 3.13 - 'Parole and Mental Capacity' of the [Generic Parole Process Policy Framework](#).
- 11.13 **Power to set aside:** The Parole Board has the power to set aside their decision in a case if that decision meets certain criteria. This applies to all Power to Detain prisoners. All parties must follow the process and requirements set out in Chapter 3.6 - 'Setting aside Parole Board Decision' in the [Generic Parole Process Policy Framework](#).
- 11.14 **Setting Annual Reviews:** If the prisoner's sentence expiry date is 13 months or more from the date of the Parole Board decision not to release, the case will be set for an annual review which will take place 12 months from the date of the decision.
- 11.15 If the prisoner's sentence expiry date is less than 13 months from the date of the Parole Board decision not to release, the prisoner will remain in custody until their Sentence Expiry Date unless re-released at an earlier date by the Parole Board or the Secretary of State.

12. Mental Health Cases

- 12.1 The following section applies to prisoners detained under Part III of the Mental Health Act (MHA) 1983.

What staff must do

Mental Health Cases		Action by
12.2	Where a prisoner has been transferred to hospital under the MHA 1983, they are still eligible for consideration under this Policy Framework regardless of whether they have been remitted back to custody under s.50 of the MHA.	Probation Service / Prison
12.3	Where a prisoner is serving a concurrent or consecutive parole eligible determinate sentence and has been transferred to hospital under the MHA or remitted back to custody under MHA powers, refer to chapter 3.12 of the Generic Parole Process Policy Framework .	Probation Service / Prison

What staff should know

- 12.4 Where a prisoner has been transferred to hospital (see paragraph 12.2), the process will continue in line with this Policy Framework. Where the prisoner's case is referred to the Parole Board, the review will be suspended until they have been remitted back to custody. Where they are remitted back to custody, [the Parole Process](#) will then continue in line with this Policy Framework. Where a prisoner is not remitted back to custody before their sentence expires, they will be released at their SED.
- 12.5 **Accelerated reviews:** Refer to chapter 3.12 of the Generic Parole Process Policy Framework for guidance on accelerated parole reviews following transfer to hospital under the provisions of the MHA 1983.

13. New Information

- 13.1 The following section applies where new information comes to light, including where a prisoner receives a [New Sentence](#).

What staff must do

Receiving New Information		Action by
13.2	Where new information comes to light, which was not known at the point the HMPPS Panel made their decision and (in some cases) potentially lead to a change in the prisoner's Risk of Serious Harm level, the COM must notify the HMPPS Panel Secretariat within 1 working day .	COM
13.3	Where the prisoner has outstanding police/court matters, the process will continue as normal, until such time as the outstanding matters are concluded. In these cases, further reports may be required for the parole review.	COM / Prison

13.4	The HMPPS Panel Secretariat will seek views from the HMPPS Panel, regarding their original decision, in a timely manner, see paragraph 13.8.	HMPPS Panel Secretariat
13.5	Where the HMPPS Panel decides to uphold their decision, the referral to the Parole Board and subsequent Parole Process will continue in line with this Policy Framework.	HMPPS Panel
13.6	Where the HMPPS Panel decides to rescind their decision and referral to the Parole Board, see the Rescinding a Referral and Revoking the Notice section of this Policy Framework. For example, the new information has led to a decrease in the prisoner's Risk of Harm Level.	HMPPS Panel
13.7	The HMPPS Panel will inform the HMPPS Panel Secretariat of their decision within 1 working day of making it. The Panel Secretariat will notify the RPD/DoNSD within 2 working days of receipt of the HMPPS Panel's decision.	HMPPS Panel / HMPPS Panel Secretariat

What staff should know

- 13.8 The COM may submit new information following a decision by the HMPPS Panel to the Panel Secretariat. Where submitted, the Panel Secretariat will attempt to refer the new information to the same HMPPS Panel that took the original decision.
- 13.9 OASys⁹ should be reviewed if there is a significant event, which changes the risk management and/or sentence plan.

New Sentences

What staff must do

<u>Notification of New Sentences</u>		Action By
13.10	In addition to paragraph 13.2, where a prisoner receives a new sentence following a case submission, the prison (in most cases the POM) must provide the HMPPS Panel Secretariat with the sentence details. This must include the length of the new sentence, the offence it was imposed for, the new CRD/SED, and confirmation of the SED from the original qualifying sentence.	Prison / POM
<u>Submission of Cases</u>		Action By
13.11	Where a prisoner receives a new sentence prior to the referral of the case to the HMPPS Panel, the HMPPS Panel Secretariat must be notified as a matter of urgency, see paragraphs 13.2 to 13.10.	COM / Prison / POM
13.12	Where the case submission will still be pursued, having notified the HMPPS Panel Secretariat, the documents in 9.3 will need to be updated to reflect the new sentence. These documents will need to be re-submitted to the HMPPS Panel Secretariat as soon as possible.	HMPPS Panel Secretariat

13.13	Where the case submission will no longer be pursued, having notified the HMPPS Panel Secretariat, the process will not continue.	HMPPS Panel Secretariat
<u>HMPPS Panel Consideration & Parole Process</u>		Action By
13.14	Where a prisoner receives a new sentence once the case has been referred to the HMPPS Panel or Parole Board (where applicable), the HMPPS Panel Secretariat must be notified as a matter of urgency, see paragraphs 13.2 to 13.10.	COM / Prison
13.15	The HMPPS Panel Secretariat will notify the HMPPS Panel and Parole Board (where applicable) of the new sentence.	HMPPS Panel Secretariat
13.16	Where the HMPPS Panel decide that their referral to the Parole Board remains unchanged, the process will continue as outlined in The Parole Process section of this Policy Framework, see paragraph 13.23.	HMPPS Panel Secretariat
13.17	Where the HMPPS Panel decide that the Notice ⁶ should be revoked, the HMPPS Panel Secretariat will inform the Parole Board by rescinding the referral and the Notice ⁶ will be rescinded, see paragraph 13.23.	HMPPS Panel Secretariat
<u>Post Parole Process</u>		Action By
13.18	The HMPPS Panel Secretariat must check the prisoner's eligibility for an annual review, in light of the new sentence. Where the prisoner is no longer eligible or the date of the annual review has changed (in line with the CRD of the new sentence), the HMPPS Panel Secretariat will notify the prison (and the Parole Board if the case has been referred). The prison is responsible for informing the prisoner within 1 working day .	HMPPS Panel Secretariat / Prison
<u>Subject to Statutory Parole Reviews</u>		Action By
13.19	Following a submission to the HMPPS Panel, or referral to the Parole Board, where a prisoner receives a new (non-qualifying) indeterminate sentence that means that they will be subject to statutory parole reviews, the Notice ⁶ should be revoked. Where the case is with the Parole Board, the HMPPS Panel Secretariat will inform the Parole Board by rescinding the referral. For further information, see the Rescinding a Referral and Revoking the Notice section of this Policy Framework.	HMPPS Panel Secretariat

What staff should know

13.20 Where a prisoner receives a new sentence, the prison must provide HMPPS Panel Secretariat with the sentence details, but only where the prison has already submitted Power to Detain Report. In these cases, the prison must provide the HMPPS Panel Secretariat with the following details:

- the length of the new sentence;
- the offence the sentence was imposed for;

- new sentence dates (CRD/SED); and
- confirmation of the SED from the qualifying sentence.

13.21 Where the CRD of the new sentence is later than the SED of the original sentence, the Notice⁶ will usually be rescinded and the referral to the Parole Board revoked (see the [Rescinding a Referral and Revoking the Notice](#) section of this Policy Framework). Where the CRD of the new sentence is prior to the SED of the original sentence, the case will continue in line with the [Parole Process](#) section of this Policy Framework.

14. Rescinding a Referral and Revoking the Notice

14.1 The following section applies where the HMPPS Panel assess that the prisoner no longer meets the [Legal Threshold](#) (either because of representations or new information).

What staff must do

Rescinding the Referral & Revoking the Notice		Action by
14.2	Requests to revoke the Notice ⁶ to the prisoner or rescind a referral to the Parole Board must be submitted to the HMPPS Panel Secretariat via email using the 'Rescind of a Power to Detain Notice/Referral Proforma'. The pro-forma must be endorsed by the RPD/DoNSD.	RPD / DoNSD / COM
14.3	If at any time the HMPPS Panel assess that the prisoner no longer meets the Legal Threshold (either due to representations or new information), they must formally revoke the Notice ⁶ to the prisoner (see paragraph 5.3) and, if they have already referred a case to the Parole Board, they must also rescind the referral. The HMPPS Panel Secretariat will issue notification to the prisoner within 2 working days (if the prisoner's CRD has not yet been reached) of the HMPPS Panel's decision to rescind, and the prisoner's CRD will be restored. If the prisoner's CRD has passed, the notification must be issued by the HMPPS Panel Secretariat immediately following receipt of the HMPPS Panel's decision for the prisoner to be immediately released.	HMPPS Panel / HMPPS Panel Secretariat / Prison / COM

What staff should know

14.4 Requests to revoke the Notice⁶ or rescind the referral will usually be due to a change to the [new information](#) upon which the application to the HMPPS Panel was originally based.

14.5 **Notifying the prisoner:** See paragraphs 10.7 and 10.8.