

Member Case Assessment (MCA)

Member Guidance

September 2026 (v4.0)

Document History

Document version	Date of Issue	Revision description
1.0	03.06.2021	This guidance was created as part of the Parole Board's project to launch fully revised and updated member guidance.
1.1	10.03.2022	• Revision to revert to pre-Covid practices for determinate sentence recall cases • RADAR decision template and guidance amendments • Multi member panel update
2.0	27.10.2022	The guidance was updated to reflect the changes following: • The Police, Crime, Sentencing and Courts Act 2022 • The amended Secretary of State 2022 Directions on suitability for open conditions for ISP cases • The Parole Board Rules 2019 (as amended) • Johnson R v Secretary of State for Justice [2022] EWHC 1282 (Admin) • The review of the Parole Board's paused policies
2.1	20.12.2023	The guidance was updated to reflect the changes following: • Cancellation of the policy relating to no deferrals in IPP cases where a Secretary of State view has been submitted • Risk Assessed Recall Review • <i>Pearce</i> [2023] UKSC 13 on appeal from [2022] EWCA Civ 4 • <i>Dich and Murphy</i> [2023] EWHC 945 (Admin)

- Secretary of State's Directions for open conditions 2023
- Operations Hub policies:
 - Determinate sentence cases with less than 26 weeks (previously 20) until SED should not be sent to Oral Hearing
 - MCA representations can only be submitted before the case is panelled

3.0	31.01.2025	The guidance was updated to reflect the changes following: • The Victims and Prisoners Act 2024 • The Parole Board (Amendment) Rules 2024
4.0	08.09.2026	The guidance was updated to reflect the following: • The Parole Board (Amendment) Rules 2025 • The Parole Board (Amendment) (No. 2) Rules 2026 • The Sentencing Act 2026 • R (Hanson) v Parole Board for England and Wales [2026] EWHC 1723 (Admin) • Changes to tiered listings • Further guidance on Case Management Conferences • New MCA directions template • A table of changes can be found here

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1 Introduction – what is MCA?

- 1.1 This guidance is for Parole Board members carrying out **Member Case Assessment (MCA)** work. It provides an overview of the MCA process, the options open to members undertaking this work, and detailed guidance on best practice.
- 1.2 Every case referred to the Parole Board (“the Board”) is required to go through the MCA process. MCA is a form of ‘triage’ because each case, at the earliest opportunity following the referral, is considered by an accredited MCA member¹ who either determines that the case can be concluded on the papers or sets out additional steps that are needed for the case to be determined fairly and swiftly.
- 1.3 This is set out in rule 19 of the Parole Board Rules 2019 (as amended) (“The Rules”).²
- 1.4 This approach enables cases to be dealt with consistently, appropriately, proportionately, effectively and in a timely manner by:
 - Ensuring fair, rigorous, and timely reviews: the Board has a duty under Article 5(4) of the European Convention on Human Rights (ECHR) to provide a speedy review
 - Identifying the key issues in each case at the earliest opportunity and enabling good quality analysis, defensible decisions, and viable directions leading to better compliance and understanding by agencies of what is required
 - Evidencing that a consistent approach has been taken for all cases
 - If an oral hearing is required, assisting a panel to make evidence-based assessments of risk by ensuring it has all the written information it needs, that relevant preparatory work is identified and directed (for example the need for interpreters, arrangements in relation to victims, etc), and by ensuring that relevant witnesses are identified

2 MCA process

- 2.1 Parole Board members who are accredited to do so undertake MCA sitting usually as a single member; however, there is an option to create a multi-member MCA panel (please refer to section 8 below).³ Members undertaking MCA work are called the MCA panel and are referred to as the “panel” throughout this guidance.
- 2.2 Panels are usually allocated a “bundle” of up to six cases.⁴ Panels have the ability to request “half bundles”, where they will be sent three cases instead of six. Bundles are allocated in advance, with members providing

¹ The Member Administrative Policies and Processes (MAPP) Guidance provides an overview of member accreditation.

² Please note the Parole Board Rules have been amended several times, most recently in 2025 and 2026. References to the Rules in this guidance take account of this.

³ Where ‘MCA panel’ is used, this accounts for both single and multi-member panels.

⁴ Requests should be sent to MCA Team or entered on WAM.

availability via the Web Access Module (WAM) system.⁵ The types of cases included in each bundle will be determined by the Secretariat subject to the current business need.

- 2.3 The following types of cases are allocated to a specialist cohort of members and should not be found in regular MCA bundles. If a panel receives such a case in their regular bundle, please contact the Specialist Case Management Team:
 - Terrorism/terrorism-connected cases (refer to paragraph 16.26 for more information)
 - Mental health cases (refer to the SharePoint page for more information)
- 2.4 Any MCA accredited member can review a case of a child (under 18 at the point of referral) but they are fairly rare and do require a different approach to adult cases to be taken, which is accepted practice across the Criminal Justice System. A group of members with relevant background and expertise have volunteered to be available to offer advice – consultation with them is strongly encouraged (refer to the Child Cases SharePoint page).
- 2.5 For any cases in the bundle that are being considered for Risk-Assessed Recall Review (RARR)⁶ by the Secretary of State, panels should prioritise other cases in the bundle in case of developments before the panel date.
- 2.6 Case names are listed in a cover note that is emailed by the MCA case manager. Dossiers are issued electronically on WAM and made available for download ten working days in advance of the panel date. The panel must read and analyse each dossier, deciding how it should be determined or otherwise progressed, and record reasons or directions on the relevant MCA template.⁷
- 2.7 The MCA decisions and directions are saved to “PB Saved Documents” on the member’s C:Drive and on OneDrive. Documents may be saved in draft and, when completed and proofread, converted to finalised templates which are automatically given a filename based on the prisoner’s name, prisoner’s number, and panel decision. More information on MCA templates can be found at paragraph 3.13 below.
- 2.8 Anytime on or before the panel date, panels submit their completed MCA decisions to the case manager. This must be done before midnight on the assigned panel date. Where panels would like decisions issued prior to the scheduled panel date, they will need to add the date of the decision as the date they are submitting it as opposed to the original panel date.

⁵ WAM is the Parole Board member portal which gives access to cases.

⁶ Recalled standard determinate, IPP/DPP and extended sentence offenders may be re-released by the Secretary of State following a RARR at any point following the offender’s return to custody.

⁷ Unless there are exceptional reasons not to, the panel member’s name should be added to the relevant MCA template prior to it being sent back to the case manager to issue. (if there are concerns about this, seek advice from the Legal & Policy hub)

- 2.9 Panels are required to retain their decisions and the dossiers for four weeks after the panel date in case any follow-up action is required.
- 2.10 Remuneration for completing an MCA panel is set out in the fee section of the Member Administrative Policies and Processes Guidance (MAPP). Members do not need to claim for MCA work as this is automated. Details of MCAs completed will be extracted from PPUD on the first day of the month and sent to each member to check that it correctly reflects the MCA cases they completed. Members will then have 5 working days to check the detail and raise any queries. Please refer to the MAPP Guidance for further information.

3 What is needed to complete an effective MCA?

- 3.1 The information likely to be needed for an effective MCA is set out in later sections; however, on a practical basis, the panel will need a complete dossier for each case and access to up-to-date MCA templates.

The Dossier

- 3.2 The dossier is the vital starting point. The quality and completeness of the evidence it contains will have a significant impact on the effectiveness of the assessment to be undertaken.
- 3.3 Panels should use the referral from the Secretary of State to determine the case type and what the panel is being invited to do.⁸ In determinate sentence recall cases the Secretary of State's referral is not always in the same format as for other cases, but its nature will be clear from the Dossier Cover Sheet. Panels should ensure that they are clear on the terms of the referral and direct PPCS to clarify, where it is not clear. Mandatory documents should be included in dossiers for all types of cases; however, the nature and extent of documentation will vary according to the type of case being considered.
- 3.4 A dossier must include all documents that are mandated by the Schedule to Rules: Part A (information relating to the prisoner) and Part B (reports relating to the prisoner) for a referral to be considered as having been made. The core dossier includes mandatory documents. Although the dossier will have been screened by the Secretariat before it is allocated (and rejected if mandatory reports are missing without an explanation), the panel must also check that mandatory reports have been received.
- 3.5 Where a mandatory document is unavailable at the point of referral, PPCS must record this in the dossier and provide an explanation why and the steps taken to locate it. The panel should consider whether the explanation provided is acceptable. Any queries or concerns should be raised with PPCS through the case manager. If the panel considers the explanation unacceptable, it should direct that the document be obtained.

⁸ Please refer to the *Types of Cases Guidance* for more information.

If the explanation is acceptable, the panel must decide whether the remaining information is sufficient to reach a decision. Where the panel proceeds without a mandatory document, this should be explicitly recorded in the decision, together with the steps taken to obtain it and reasons why the panel was able to make its decision despite the missing document.

- 3.6 Where a panel requires additional information (in addition to the mandatory documents), **the focus must be on what is necessary to determine or progress the case.** A formulaic approach to requesting additional information must be avoided. Every case referred to the Board is different and should be treated as such. This means avoiding generalised directions such as always calling for post-programme review reports, or the previous dossier seen by an earlier panel. Directions for information should be proportionate, reflecting their relevance to the likely key issues in the case and to the decision to be made and the need to follow a fair process. The baseline should be whether the existing dossier is adequate to allow a fair, effective, and timely decision to be made. A failure to seek further information may be deemed to be a breach of the Parole Board's *Tameside*⁹ duty where "*no reasonable authority could have been satisfied on the basis of the enquiries made that it possessed the information necessary for its decision.*"¹⁰
- 3.7 Where, either a mandatory document is missing from the dossier without an acceptable explanation, or where further information is considered to be necessary in order to determine how to progress the case, the panel should adjourn or defer for a short period of time (an adjournment should always be considered before a deferral).¹¹ Directions should be issued using the MCA template stipulating the required information and setting associated deadlines. Once the material has been provided, it should allow the panel to complete the case by making a decision or directing the review to an oral hearing.
- 3.8 For Generic Parole Reviews (GPP) and Annual Reviews, the member of the Secretariat reviewing the dossier should add the most recent Parole Board decision before it is allocated to the panel. If the previous Parole Board decision is the only outstanding document required for the panel to make an informed decision, the panel should request it from the MCA case manager, who will add the decision to the dossier as quickly as possible, rather than issuing a formal adjournment notice. However, if other information is missing, the panel should adjourn and include a direction for the previous Parole Board decision.

⁹ *The Tameside duty requires public authorities to make reasonable inquiries and gather relevant information before making a decision, ensuring that decisions are rational and informed.*

¹⁰ *Per R. (on the application of Balajigari) v The Secretary of State for the Home Department* [2019] 1 WLR 4647, at [70]

¹¹ *Adjourning should always be considered before a deferral. This ensures the case is retained by the panel who will see the case through to conclusion or direction for an oral hearing. There may be exceptional circumstances where a case is not suitable for adjournment and a deferral is appropriate. For example, end of membership tenure, unavailability of member for a substantial period of time, conflicts of interest or another perceived procedural unfairness.*

- 3.9 Where a prisoner has changed their name since the index conviction, reference to this should be made on the Dossier Cover Sheet. HMPPS only accept name changes with deed poll evidence, which should be included in the dossier. The panel should then use the prisoner's new name.¹² Panels are advised to make note in the MCA directions or in the 'any other information' section of the decision template. A suggested form of wording to use is:

"Mr X changed his name from Mr RY to Mr RX by deed poll on XX (a copy of which is in the dossier). He is referred to by both names in the dossier, however, is referred to as Mr RX in these directions / in this decision."

- 3.10 Panels should be mindful of any victim involvement and must establish from PPCS whether the new name is known to the victim and/ or whether the prisoner wants their new name to be known.
- 3.11 Panels should direct PPCS to clarify, where it is not clear and can also direct further information, such as deed poll evidence, if considered necessary.
- 3.12 For more detail on the options available at MCA stage please refer to section 11.

MCA templates

- 3.13 There are two templates for MCA work, one for directions (adjournments, deferrals, or directions to an oral hearing), and the other for paper decisions (the substantive decision). Member laptops will have the MCA templates stored on them and any technological queries should be raised with the Board's IT team. Detailed instructions for operating, saving and submitting the templates can be found on the IT SharePoint page. SharePoint also contains technical guidance on using the decision template. Guidance on using the new MCA directions template can be found on the MCA guidance SharePoint page.

4 What information is necessary to effectively complete MCA?

- 4.1 MCA decision-making about risk must follow the Decision-Making Framework (DMF) which provides a structured approach to independent professional judgement and stresses the need for analysis, consideration, reasoning, and reflection. See paragraphs 11.57 to 11.59 for more information on writing decisions.
- 4.2 In order to complete MCA, the panel will need information on the following areas in line with the DMF. This includes:

¹² For guidance on how to refer to prisoners who are transgender in MCA directions / paper decision, please refer to the Guidance on Prisoners who are Transgender.

- **Context:** the terms of referral, the test to be applied: the Codified Public Protection Test (CPPT) ¹³ and/or criteria for open conditions, sentence type, stage in the sentence and the powers and options of the panel
- **Offending behaviour (the past):** the prisoner's history, life circumstances, age and any unique or protected characteristics¹⁴ (such as mental health) will usually provide context to the type and details of the offence, previous convictions and patterns of behaviour, their impact, and allegations of harmful and risky behaviour in custody or in the community. Evidence can be taken, for example, from the pre-sentence report, the judge's sentencing remarks, police computer printouts, OASys assessments, psychological and psychiatric reports, witness statements, and the Community Offender Manager (COM) reports. The reports may contain the prisoner's version of events as told to the report writer. Panels must carefully consider the weight to be attributed to prisoner's self-report, which is not verified by other evidence. Victim Personal Statements (VPS) may be part of the dossier, although these should not provide evidence relating to risk (should the VPS provide evidence that may relate to risk, please refer to the Victims Guidance to see how this should be dealt with)
- **Evidence of change (the present):** behaviour in custody, adjudications, security reports and drug tests, engagement with interventions,¹⁵ educational and vocational achievements, application of new skills, responses to challenges and opportunities, recommendations for further treatment and training, behaviour on licence, circumstances of recalls, current risk factors and protective factors, motivation, attitudes to offending, insight and maturity, risk assessments, and the opinions of key report writers, time spent in open conditions and conduct during periods of temporary release. Evidence can be found, for example, in the documentation already outlined, post-programme review reports, OASys assessments, security summaries, and the Prison Offender Manager (POM) and COM reports
- **Manageability of risk (the future):** changes in risk factors and risk assessment scores, risk management or release plans, licence conditions and other controls, individual plans and characteristics, openness and honesty, likelihood of compliance, supportive relationships, outlook, and self-identity. The panel may consider on this basis what further offences might be committed, with what impact (i.e. the likely level of harm) and against whom. It may also form a view about probability and imminence of reoffending before setting the evidence against the CPPT.¹⁶ Indications of evidence of manageability can be found, for example, in the COM report, specialist assessments, representations and other submissions
- **Secretary of State's view:** In some cases, the Secretary of State will present a view on the prisoner's suitability for release. The panel

¹³ The Victims and Prisoners Act 2024 ([VAP Act](#)) codified the public protection test. The CPPT came into force on 3 February 2025. Please see from paragraph 11.37 for more information.

¹⁴ Separate guidance has been produced on Protected Characteristics.

¹⁵ Separate guidance has been produced on Interventions.

¹⁶ Please refer to the Types of Cases Guidance.

should consider the basis of the view, the evidence upon which it is based, and the weight it attributes to that evidence

- 4.3 A panel considering all this information or deciding what additional evidence is needed and how to progress a case, should bear in mind that **directions must always be relevant, proportionate, reasonable, necessary, lawful, and deliverable. There is no need to know absolutely everything about a prisoner to make a decision about progressing the case.** A panel requires enough information to make an evidence-based decision that is defensible and fair.

5 Types of sentence

- 5.1 In the first instance, the panel should check the terms of the referral, which will set out the type of case and what the Secretary of State is asking the Board to do. **It is important to check that the Parole Board has jurisdiction as there have been instances where an ineligible case has been referred in error. The case manager should be asked to seek clarification from PPCS where there is uncertainty before commencing the MCA assessment.** The referral note should be at the front of the dossier for indeterminate sentence (review and recall) and determinate sentence (review) cases although the panel may have to look elsewhere in the dossier to find out the exact sentence - Imprisonment for Public Protection (IPP),¹⁷ Life sentence, Discretionary Conditional Release (DCR), Extended Determinate Sentence (EDS), etc. In determinate sentence recall cases, the referral is not always included in the dossier in the same format as for GPP review cases, but it will be clear from the Dossier Cover Sheet that it is a recall case.
- 5.2 Panels should always double-check the sentence information (such as relevant dates) provided on the Dossier Cover Sheet against reports in the dossier. Sometimes the Cover Sheet is inaccurate or incomplete, particularly in determinate sentence recall cases, or where there are concurrent or consecutive sentences, or there have been multiple recalls. Discrepancies must be resolved before the review is concluded or highlighted in directions if the case requires an oral hearing. Should there be any discrepancies or should the panel have any questions about the sentence information, clarification should be sought from PPCS via the MCA case manager.
- 5.3 **Panels should note that the period over which panels are considering risk is indefinite for both indeterminate and determinate sentence cases.**
- 5.4 Please refer to the Types of Cases Guidance for more information on sentence types.

¹⁷ Reference to the IPP sentence and licence will also include the Detention for Public Protection (DPP) sentence and licence. DPP sentences were given to individuals who were under 18 at the time they were convicted of the offence committed.

6 **The Osborn, Booth & Reilly (OBR) judgment 2013**¹⁸

An overview

- 6.1 In the Supreme Court judgment in this case, the Court found that the Board had breached its common law duty of procedural fairness to the three appellants and had contravened Article 5(4) of the ECHR, by failing to offer them oral hearings in circumstances where fairness required one. This ruling required the Board to adopt a different way of determining the need for oral evidence and to revise its practice guidance concerning the purpose of and necessity for an oral hearing in every case referred to it. **The judgment did not oblige an oral hearing to be directed in every case, only when fairness requires one.**
- 6.2 The main change following the judgment was that fairness to the prisoner became the overriding requirement in the decision whether, or not, to grant an oral hearing. The perceived utility of an oral hearing (whether it is likely to make any difference to the outcome of the review) is not a deciding factor. The Board must hold an oral hearing whenever fairness to the prisoner requires one, in light of the facts of the case and the importance of what is at stake. By applying this principle, the Board is compliant with the common law and Article 5(4) of the ECHR.
- 6.3 The judgment does not specify the form an oral hearing should take. When the Supreme Court considered this case in 2013, oral hearings were thought to be synonymous with face-to-face hearings. That is no longer so, as oral hearings can be conducted remotely by video or telephone. If fairness requires an oral hearing, panels must consider what form of oral hearing might deliver a fair outcome (please refer to paragraphs 15.53 - 15.58).

The Supreme Court's summary of the OBR principles

- 6.4 In order to comply with common law standards of procedural fairness, the Board should hold an oral hearing **whenever fairness to the prisoner requires oral evidence to be heard** in the light of the facts of the case and the importance of what is at stake. By doing so, the Board fulfils its duty under section 6(1) of the Human Rights Act 1998 and is compatible with article 5(4) of the European Convention for the Protection of Human Rights, in circumstances where that article is engaged.
- 6.5 This principle was further reinforced in the 2026 judgment handed down in the case of *Hanson*.¹⁹ At paragraph 82, the Court determined that:

"Osborn contains general principles that are applicable to all public law decision makers when considering questions of procedural fairness, including members of the Parole Board..."

¹⁸ *Osborn & others v Parole Board* [2013] UKSC 61.

¹⁹ *R (Hanson) v Parole Board for England and Wales* [2026] EWHC 1723 (Admin).

- 6.6 Paragraphs 53 to 60 of the judgment addressed the various factors that should have been considered when refusing to direct an oral hearing in the case. An overview of the key factors applicable to all cases is set out below:

What is at stake for the individual? This may be an individual's liberty where they are in prison or very restrictive conditions if they are on licence. The panel should therefore consider what the practical impact on the individual would be if they remain in prison or a licence continues.

Would hearing from the individual assist? Fairness may require participation where an individual has something relevant to contribute. The panel should therefore consider whether hearing directly from the individual would materially assist the assessment.

Is there an important factual dispute? Disputed facts may require oral evidence. The panel should consider whether there are disputed factual matters that cannot fairly be resolved on paper.

Is there a disagreement between professional assessments and the panel's provisional view? The panel should expressly consider whether an oral hearing is required before rejecting professional evidence.

- 6.7 The judgment in the case of *Somers*²⁰ reiterates the need to consider the *OBR principles*. Paragraph 47 of the judgment states:

"...the overriding error of the Parole Board was to fail to apply the fundamental test outlined in Osborn, namely to ask itself whether fairness called for an oral hearing and to isolate the relevant elements of this particular case that might or might not call for that."

- 6.8 **The judgment also provides some specific advice in relation to life sentence prisoners.²¹ At paragraph 48 (c), (d) and (e):**

"(c) It is wrong to decline an oral hearing on the basis that there may have been little change or that the same decision might be reached after an oral hearing. The mere lack of specific recommendations relating to parole is not sufficient reason to conclude no hearing will be necessary. Osborn makes plain the value of a hearing in itself for a person in the position of a post-tariff lifer. This is in addition to the practical case for examining challenges to the factual evidence in the reports or exploring reports."

(d) New material ought to be explored when the experts provide it, particularly in the context of a post tariff prisoner, otherwise

²⁰ [Somers v Parole Board \[2023\] EWHC 1160 \(Admin\)](#)

²¹ This applies equally to IPP and DPP cases and all determinate cases.

progress may go unremarked or unexplored, which would be unfair given the pressure on a prisoner to demonstrate change, development and insight when on a sentence dependent upon the Board for its duration.

(e) Insight, critical to progress in the criminal justice system, is by far best explored in the open forum of a hearing. The experience and expertise of the Board is second to none in understanding and exploring issues of this nature and their judgement is best exercised in the context of a hearing where they can see and assess the individual and progress or otherwise can be recorded, or indeed acted upon."

- 6.9 **Fairness will not require an oral hearing in every case. It may be possible to fairly determine the review on the papers without an oral hearing taking place.** The Court in the OBR case said that it would be impossible to define exhaustively the circumstances in which an oral hearing will be necessary. When considering the question of fairness, panels may be assisted by the following circumstances identified by the Court which indicate that an oral hearing may be required:
- a) Where facts which appear to the Board to be important are in dispute, or where a significant explanation or mitigation is advanced which needs to be heard orally in order to fairly determine its credibility. The Board should guard against any tendency to underestimate the importance of issues of fact which may be disputed or open to explanation or mitigation.
 - b) Where the Board cannot otherwise properly or fairly make an independent assessment of risk, or of the means by which it should be managed and addressed. That is likely to be the position in cases where such an assessment may depend upon the view formed by the Board (including members with expertise in psychology or psychiatry) of characteristics of the prisoner which can best be judged by seeing or questioning them, or where a psychological assessment produced by the Ministry of Justice is disputed on tenable grounds, or where the Board may be materially assisted by hearing evidence - for example, from a psychologist or psychiatrist. Cases concerning prisoners who have spent many years in custody are likely to fall into the first of these categories.
 - c) Where it is maintained on tenable grounds that live interaction between the prisoner and the Board, or with those who have dealt with the prisoner, is necessary in order to enable them or their representatives to put their case effectively or to test the assessments of those who have dealt with them.
 - d) Where, in the light of the representations made by or on behalf of the prisoner, it would be unfair for a "paper" decision made by a panel of the Board to become final without allowing an oral hearing: for example, if the representations raise issues which place in serious question anything in the papers which may in practice have a significant impact on the prisoner's future management in prison or at future reviews.

6.10 Other principles laid down in the OBR case may be useful to consider when approaching the question of fairness:

- a) Panels will need to consider whether their independent assessment of risk, and the means by which it should be managed and addressed, might benefit from the closer examination which an oral hearing can provide.
- b) Panels should also bear in mind that the purpose of holding an oral hearing is not only to assist in the panel's decision-making, but also to reflect the prisoner's legitimate interest in being able to participate in a decision with important implications for them, where they have something useful to contribute.
- c) The question of whether fairness requires prisoners to be given an oral hearing is different from the question of whether they have a particular likelihood of being released or transferred to open conditions and cannot be answered by assessing that likelihood.
- d) When reviewing recalled prisoners, panels should bear in mind that the prisoner has been deprived of their freedom, albeit conditionally.
- e) When reviewing post-tariff indeterminate sentence prisoners, panels should scrutinise ever more anxiously whether the level of risk is unmanageable, the longer the period the prisoner has spent in prison following the expiry of their tariff. The need for a hearing will be stronger when the prisoner has spent more time post tariff or between hearings.
- f) The Board must be, and must also appear to be, independent and impartial. That means the panel should not be predisposed to favour the official account of events, or official assessments of risk, over the case advanced by the prisoner.
- g) Panels should guard against any temptation to refuse oral hearings as a means of saving time, trouble, or expense.
- h) Panels will need to bear in mind that the decision, for the purposes of this guidance, is not confined to its determination of whether or not to direct the prisoner's release or recommend their transfer to open conditions, but includes any other aspects of its decision (such as comments or advice in relation to the prisoner's treatment needs or the offending behaviour work which is required) which will in practice have a significant impact on management in prison or on future reviews. This may also be the case when a prisoner appears stuck in the system, and a hearing can enable their progression to be critically examined.
- i) In applying this guidance, it will be prudent to allow an oral hearing if panels remain in doubt whether to do so or not.

6.11 Where a panel makes a no release decision on the papers under rule 19(1)(b), the prisoner has 28 days from the date the decision is sent to the parties to request for their case to be considered at an oral hearing.²² The entitlement of the prisoner to request an oral hearing is not correctly characterised as a right of appeal. In order to justify the holding of an oral

²² Rule 31 decisions about standalone IPP licence terminations do not fall within scope of rule 20 and therefore panels will need to seek representations from the parties before concluding the review on the papers. Please refer to the member guidance on IPPs for more information.

hearing, the prisoner does not have to demonstrate that the paper decision was wrong or even that it may have been wrong: they have to persuade the Board that fairness requires an oral hearing.

Practice Guidance for applying the OBR principles

6.12 In line with the OBR principles,²³ there are practical points which panels may wish to note:

- At MCA stage, panels **must** apply the OBR principles, as summarised above, to every case
- Fairness to the individual **must** be the overriding factor
- However, when assessing fairness, the panel is entitled to consider that the individual is entitled to a speedy review of their detention (either under Article 5(4) of the ECHR or the common law), and also there may be other barriers that emerge, for example they may be unable to access some progression work, whilst their review is ongoing²⁴
- If a decision can be made fairly at the MCA stage, the panel must record that in the decision together with its reasons for doing so
- Panels must not decline to direct an oral hearing because it is unlikely to make a significant difference to the outcome or because the prospects for release, transfer to open conditions or termination of an IPP licence look remote
- The fact that an individual has not asked for an oral hearing is no reason not to direct one
- An individual or their representative may apply for an oral hearing when the panel is not minded to direct one. In these circumstances, a hearing does not have to be granted but, if refused, it must be demonstrated that the application was considered, and reasons must be given for refusing it. For example, a prisoner may have had an oral hearing at their last review where the panel concluded that there were core areas of risk outstanding but there is no current evidence of any significant change since; or there is an area of dispute which has already been addressed in a previous review
- In many cases at least a year will have passed since the prisoner's last review, and this in itself may impact upon risk. If in any doubt about whether or not to grant an oral hearing, OBR principles indicate that the Board should grant a hearing
- The Board does not engage in and is not responsible for sentence planning. But taking evidence during an oral hearing might helpfully identify further steps needed to progress the prisoner to eventual release or transfer to open, even where these outcomes are currently unlikely. If that is the case, then it may be helpful to record them.

²³ Panels must consider the OBR principles and the practice guidance together.

²⁴ Some prisons may decide to place a prisoner on 'parole hold' once they enter their parole window to restrict their transfer to another prison and avoid disruption to the parole review. However, transfers during this time can occur in line with the [Progressive Transfers for Indeterminate Sentence Prisoners Policy Framework](#) and the [Generic Parole Process Policy Framework](#).

Whether or not any of these steps are taken is not the Board's responsibility

- If an oral hearing is directed, panels will also need to consider and record in the directions what type of oral hearing is required, i.e., by video, hybrid arrangement, telephone, or whether a face-to-face hearing is required
- All decisions and directions should cite the *Osborn* judgment, using the standard wording shown below
- For standalone IPP licence termination reviews, please refer to the IPP guidance for further practical points to consider when applying the OBR principles

Considering OBR principles alongside Parole Board policies

- 6.13 There are a number of Parole Board policies in place which panels need to consider (if any apply to the case they are reviewing) when making a decision about whether to direct a case to oral hearing. The relevant policies can be found on the Table of Options document within the Types of Cases guidance.
- 6.14 The Board also has in place a policy which says that determinate sentence prisoners with less than 26 weeks until Sentence Expiry Date (SED) or other automatic release date are not normally sent to an oral hearing because the case cannot usually be listed and delivered in the remaining time.²⁵ There may be circumstances that merit the panel considering an expedited or prioritised hearing. These might include the prisoner's mental health deteriorating to such an extent that an oral hearing is required, or other compelling compassionate reasons. Panels should flag this up with the case manager so that steps can be taken quickly to convene a panel (see paragraphs 15.77 – 15.86 on expediting or prioritising an oral hearing). Panels should, however, be aware that it will be very difficult to find a slot within 26 weeks and there is a real risk that the prisoner's sentence will expire (or they will be automatically released) before a date can be set.
- 6.15 It is more likely that with less than 26 weeks to go, an oral hearing cannot be scheduled and the case should be concluded on the available papers. However, the panel can still adjourn for further information if that can be supplied within the timeframe. Regardless of the SED, the OBR principles apply to any MCA assessment (see paragraphs 6.9 – 6.12).
- 6.16 In some cases, there may be a clash of policies, and the panel will need to decide which policy should take preference. For example, some prisoners are automatically sent to oral hearing if release cannot be directed on the papers. However, if there are less than 26 weeks until SED there will, ordinarily, not be enough time to hold an oral hearing. Therefore, panels need to consider what is possible:
- Is it at all possible for a hearing to be arranged?

²⁵ Panels may wish to adopt a similar position where the CRD for an EDS prisoner is less than 26 weeks away.

- Does the case merit being prioritised or expedited for listing?
- Does the panel have enough information to conclude the case on the papers? If not, can the panel make directions for further information to be provided before SED?

6.17 The OBR principles are the primary consideration in determining if an oral hearing is required. However, after taking the above points at paragraph 6.16 into consideration, panels should not ignore the fact that a looming release date makes a hearing impractical and panels should avoid the artificial outcome of directing an oral hearing when one cannot take place. **The choice faced by the panel is between making a decision or there being no decision at all.** What is procedurally fair must be seen in that context.

6.18 **The Parole Board is obliged by law to make a decision. Fairness does not require the Parole Board to deliberately fail to discharge its statutory duty.**

Standard wording for referring to the OBR judgment

Paper decision wording

6.19 It is strongly recommended that the standard form of words is used to refer to OBR in each case. This is because the text is comprehensive and based on legal advice; therefore, it is less open to challenge. It is easy to insert this prepared standard wording in the paper decision template, saving the panel time and avoiding paraphrasing.

*"The panel has considered the principles set out in the case of Osborn, Booth and Reilly (2013) UKSC 61 concerning oral hearings. It has not found that there are any reasons to hold an oral hearing. **[but note whether any representations have been submitted]**. Therefore, this case is not being directed to an oral hearing."*

6.20 **The panel must then insert their detailed reasons below the standard paragraph. Those reasons should deal with the particular circumstances of the case, any representations made by the prisoner, and how the circumstances in OBR have not been met.**

6.21 The wording of the standard paragraph can also be expanded to suit the circumstances of the case. For example, when there is insufficient time to hold an oral hearing before the SED:²⁶

*"The panel has considered the principles set out in the case of Osborn, Booth and Reilly (2013) UKSC 61 concerning oral hearings. It has not found that there are any reasons to hold an oral hearing and there is now insufficient time to arrange an oral hearing before the Sentence Expiry Date. **[but note whether any representations have been***

²⁶ Panels may wish to adopt a similar position where the conditional release date (CRD) for an EDS prisoner is less than 26 weeks away, though this is not a specific policy.

submitted]. Therefore, this case is not being directed to an oral hearing and will be determined on the papers on information currently available."

- 6.22 The panel must then insert their detailed reasons below the standard paragraph. Those reasons should deal with the particular circumstances of the case.
- 6.23 Or, if otherwise, an oral hearing might have been appropriate to take further evidence:

"The panel has considered the principles set out in Osborn, Booth and Reilly [2013] UKSC 61 concerning oral hearings and considers that an oral hearing would ordinarily have been appropriate in this case. However, as the Sentence Expiry Date is [insert date], and the panel do not consider that the case merits an expedited hearing, the Parole Board is unable to convene an oral hearing before the prisoner's automatic release on that date. The panel has therefore proceeded to determine the case on the papers. Having carefully considered all of the available evidence, the panel is not satisfied that the [codified public protection test/criteria for open conditions] is met."

- 6.24 The text may be extended as follows to provide more explanation:

"The Parole Board has an operational policy that at least 26 weeks must remain until Sentence Expiry Date to allow the practical steps to be taken for a hearing to be arranged. There is insufficient time remaining until the SED and, unless there are very exceptional circumstances to warrant an expedited hearing, any application for an oral hearing is unlikely to be granted".²⁷

MCA direction for an oral hearing wording

- 6.25 Where the panel directs an oral hearing, the MCA directions template includes a standard paragraph:

"The panel has considered the principles set out in the case of Osborn, Booth and Reilly [2013] UKSC 61 concerning oral hearings. The panel has determined that an oral hearing is required to ensure a fair and effective review. This is because:..."

The panel must then insert their reasons below the standard paragraph. Those reasons should deal with the particular circumstances of the case.

²⁷ Panels may wish to adopt a similar position where the conditional release date (CRD) for an EDS prisoner is less than 26 weeks away, though this is not a specific policy.

7 Consultation with a specialist member or a duty member

7.1 In certain circumstances a brief consultation with a duty member or a specialist member might be required.²⁸ This consultation is likely to be appropriate in the following scenarios:

- A brief consultation of up to 30 minutes is required to assist the panel in their deliberations
- The panel can summarise the case and issues to the duty/specialist member; full consideration of the dossier by the duty/specialist member is not required
- To discuss a specific point that needs to be fully understood
- To consider options to progress the case
- To consider whether either a psychologist or psychiatrist is needed when deciding the panel composition for a case, or if a specific specialism is required
- For advice from a specialist member on matters such as medical conditions, directions (fairness/wording/reports), case progression, whether a psychological risk assessment (PRA) is essential or not, or licence conditions

7.2 The specialist member will not have access to the dossier and the full facts. Accordingly, the ultimate decision must always be for the panel.

8 Multi-member MCA panels

8.1 Multi-member MCA panels are intended for cases where a brief consultation with a duty member or specialist member is insufficient, for example it would require the specialist or duty member to read and consider the full dossier.

8.2 The panel should initially consider whether any additional information is required to conclude the case on the papers. Following directing and obtaining this, the panel can then determine whether the case requires a multi-member panel. The panel should use the initial review to direct any required further information before considering whether a multi-member panel is required, as the additional information may have an impact on that decision.

8.3 A multi-member panel involves joint decision-making where a further member(s), such as a specialist member, joins the panel. Instances where a multi-member panel might be used include, but are not restricted to:²⁹

- Cases requiring case-specific specialist advice, where a short discussion with the specialist member would not be sufficient

²⁸ A list of specialist members can be found on SharePoint and duty members can be contacted via the team.

²⁹ Please refer to the multi-member table which helps members in deciding whether a multi-member panel or consultation with a duty or specialist member might be required.

- Finely balanced cases, for example where a decision on the papers is being considered and a second opinion would be beneficial to resolve issues of fact or resolve a point of view, or to ensure fairness
 - Complex cases, including ones involving rare or unusual facts, cases which raise technical or specific knowledge issues, complex non-disclosure³⁰ issues, and cases where the panel may benefit from a specialist, expert, or second opinion, to either conclude the case or issue complex directions
- 8.4 If a panel has a case in their MCA bundle that, after consideration, requires a multi-member panel, they should notify the case manager within four days from point of allocation. Arrangements can then be made for the additional member(s) to be allocated to the panel. Necessary information to include is:
- Prisoner name and prison number
 - Bundle number
 - Number of additional members required and the reason(s) why
 - Whether a specialist member is required (only specify psychiatrist member or psychologist member if the nature of the case means their specific knowledge and skills are required to make a fair and rigorous risk-based decision)
- 8.5 Under delegated authority (rule 4), the additional member(s) will be allocated to the case by the Secretariat according to required member type (specialism) and availability. Additional members cannot be personally selected by the panel.
- 8.6 The requesting MCA member will then become the MCA panel chair and retain overall responsibility for the case and the decision-writing. It is the responsibility of the MCA panel chair to contact the additional member(s) to agree a time to discuss the case.
- 8.7 Following a multi-member panel, the due date for the decision is ten days from the date the bundle was issued to the new panel member(s), to enable sufficient time for the panel discussion. The remaining cases in the bundle will continue to be due on the original date.
- 8.8 If a two-member MCA panel is finding it hard to reach an agreement, they should carefully consider whether further written evidence may assist them, or whether the case would be better determined at an oral hearing. If an agreement cannot be reached after a thorough review of the evidence and CPPT, under rule 26(2), the MCA panel chair will need to formally defer the case so that a new panel can be convened to hear the case. The MCA panel chair will need to issue a deferral notice explaining that the panel has not been able to reach a conclusion and that the case will be re-listed with a new panel.³¹ The MCA panel chair may issue

³⁰ Further information can be found in the *Non-Disclosure Applications Guidance*.

³¹ When an MCA case is deferred and all further directions complied with, the MCA case manager requests representations and then sends the case back to the bundling team to be allocated to the next available panel member.

directions for further information which they believe will assist the next panel. In doing so, they should be careful not to give an indication of their own assessment such that it might impede the decision of a future panel.

- 8.9 If a three-member MCA panel is having difficulties in coming to a unanimous decision, the panel should thoroughly and fairly debate the evidence, CPPT, and alternatives again. One of the panel could facilitate a discussion about a specific point on which agreement cannot be reached or on which opinion differs. If full agreement is still not possible, the case may be concluded with a majority decision under rule 26(1). No explicit reference to a majority decision must be made in the decision but the decision can be described as finely balanced. The decision should reflect even-handedly the panel's assessment of the evidence for and against the decision.
- 8.10 Adjournments following a multi-member panel should be rare. In circumstances where a multi-member panel has convened and further information has been directed and received, the MCA panel chair will need to decide whether they can make the decision alone, through consultation with a duty/specialist member or if a multi member panel continues to be required. If the MCA panel chair is making a decision alone, they will need to stand down their co-panellists and record the reasons in the paper decision. If the MCA panel chair requires the multi-member panel to reconvene, the MCA panel chair should arrange a suitable time to discuss the case.
- 8.11 There may be exceptional circumstances where a case is not suitable for adjournment and a deferral is appropriate. Reasons for deferring the case (as opposed to adjourning) must be clearly outlined in the deferral notice.
- 8.12 Multi-member MCA panels are intended to resolve cases at MCA stage that a single member would not be able to resolve by themselves. There may be instances where a multi-member MCA panel decide that an oral hearing is required.
- 8.13 The decision is that of the panel. The draft decision should be shared with the co-panellist(s) for comments before the final decision is sent to the case manager. Please see paragraph 11.12 for guidance on the timeframe for the decision to be issued.
- 8.14 A table setting out the required steps of a multi-member panel can be found on SharePoint: Multi-member Table

9 Directing a case management conference

- 9.1 A case management conference (CMC) is convened under rule 7 and can only be directed as part of an adjournment or as part of a direction to oral hearing where the panel is to retain the case.

- 9.2 A CMC can prove useful at the MCA stage,³² where the case is considered for the first time. At this stage, a CMC might be held to discuss what further information might allow a review to be completed on the papers, or to set directions for an effective oral hearing. The non-exhaustive list below provides some examples of what a CMC can be directed for:
- Discuss the nature of the likely evidence and its implications for a future oral hearing, but not the content of that evidence (evidence cannot be taken at a CMC)
 - Discuss shortfalls in information, non-compliance with directions, resolve direction issues, developments in the case, any concern with a report writer
 - Discuss complexity in the logistics for an oral hearing e.g. multiple witnesses, the need for an interpreter/other communication specialist
 - Resolve questions about witness appearance or delegated attendance
 - Establish involvement of agency representative, e.g. subject experts of social care services
 - Explore requests to defer/adjourn where the reasons are not clear
 - Confirm developments concerning outstanding court proceedings or additional charges
 - Clarify a specific point following an oral hearing, without requiring a formal adjournment
 - Unpick complex problems to ensure that the oral hearing can proceed effectively
 - Focus on a problem that needs relevant participants to come together to find a solution
 - Discuss cases where there is multi-agency involvement, e.g. cases involving mental health issues or where there is a prospect of release to specialised funded accommodation, or release involving a wider care package
 - Discuss what evidence might be held in open/closed for observed hearings and public hearings
 - Assess a prisoner's likelihood of engaging with an oral hearing or assessments which would be required for an effective oral hearing
 - Where there are complex issues that need to be resolved before an oral hearing is directed, to ensure it can proceed effectively
- 9.3 The purpose of the CMC is to enable the panel to make a decision on the progression of the case. Whilst CMCs are typically held by the panel or panel chair, the Parole Board (Amendment) Rules 2025 permit the Secretariat to list and hold a CMC **in respect of delegated case management issues only**. This power does not apply to CMCs listed by and for panels and is currently being piloted.
- 9.4 Where a CMC is directed, the MCA directions template will insert the following wording:
- "The panel considers that a case management conference (CMC) is required to determine how the review should be progressed, to identify and resolve issues and to ensure that all essential information is available.*

³² When directing a CMC, the MCA directions template should be used.

The purpose of the CMC is not to discuss evidence. The parties are invited to make representations regarding the panel's views on the need for a case management conference within seven days of the date of this notice. All attendees must provide their availability for the CMC (for the next 12 weeks) within 14 days of this notice. A CMC is required because....."

- 9.5 The panel must then input their rationale and must then identify the key issues for the CMC and required attendees.
- 9.6 Either party to the proceedings (PPCS or the prisoner/prisoner's representative) may request a CMC by submitting an SHRF to the Board's case manager. Each party must be given the opportunity to submit representations to be considered by the panel. If the panel is the one to initiate the CMC, they should state in their directions to parties the reasoning behind their decision. Any representations objecting to the CMC must be submitted within 7 days of the panel's direction to a CMC to avoid delay. The final decision whether a CMC is required rests with the panel.
- 9.7 **Where the panel accepts the request for a CMC, or directs that one is held, they will be the panel responsible for chairing it.** If the panel direct the case to an oral hearing and assess that the case may benefit from a CMC, they can suggest this when making the direction to an oral hearing but should not direct it. It will be for the panel chair allocated to the oral hearing to decide whether one is needed.
- 9.8 Please see the Oral Hearing Guidance for further information on CMCs.

10 Considering victims at the MCA stage

Victim Personal Statements

- 10.1 The Victim Liaison Officer (VLO) will be notified that a parole review is commencing at the same time as other agencies involved. Ideally, a VPS should be provided ahead of the case being referred to the Board. However, a VPS could be received at any point during the parole review.
- 10.2 The panel should establish if there is a victim engaged in the Victim Contact Scheme (VCS) and information about this can be found in the COM's report. There will only be information about eligibility for the VCS but not whether the victim is actively engaged.
- 10.3 The use of the term '*eligible*' is intended to protect victims who do not wish the prisoner to be aware of their engagement. HMPPS practitioners are unable to report on victim **engagement** where the victim has chosen not to disclose this.
- 10.4 There is a **new mandatory placeholder in the dossier on PPUD** for uploading a VPS. The PPCS case manager is required to upload the VPS, where available, in time for the referral. Where a VPS is not available at that point, the PPCS case manager will upload a note advising if one is going to be submitted or not, or if it is still not known. This

should assist the panel in determining if a victim is engaged and whether a VPS will be provided.

- 10.5 Where a VPS is to be submitted but not yet received, the panel may wish make enquiries about when it will be provided. The case manager can make urgent enquires with PPCS about this to assist the panel, who may wish to adjourn if one is definitely going to be submitted. Only a short adjournment should be set to avoid any significant delay to the prisoner's review.
- 10.6 If a VPS is available at the MCA stage, the MCA panel is required to take it into account.
- 10.7 If concluding the case at the MCA stage, the panel should clearly set out in the written decision if there is an eligible victim, and if so, how the panel took account of any VPS and requests for licence conditions. If there is no information from the victim at the point the case is concluded, this should be indicated in the relevant field on the template.
- 10.8 When directing to oral hearing, the MCA panel should provide as much information about any requests from the victim (reading of VPS, observing, or dates to avoid) so that the appointed panel chair can consider the necessary arrangements. Any decision made by the MCA panel approving the reading of a VPS and/or the victim to observe the hearing is **provisional** and will be reviewed by the panel chair. **This must be made clear in directions or response to PPCS.**
- 10.9 More detailed information about victim involvement in the parole process can be read on SharePoint: Victims

The Prisoners (Disclosure of Information About Victims) Act 2020

- 10.10 The Prisoners (Disclosure of Information about Victims) Act 2020 ("the Act") received Royal Assent on 4 November 2020 and came into force on 4 January 2021. The Act, often referred to as "Helen's Law", applies to all prisoners who are releasable under the Crime (Sentences) Act 1997 serving a sentence for murder or manslaughter; or the Criminal Justice Act 2003 for manslaughter or the taking or making of indecent images.
- 10.11 The Act places a statutory duty on the Board to consider in its decision making the non-disclosure of information by the prisoner about the whereabouts of a victim's remains (often referred to as "Helen's Law") and non-disclosure of information about the identity of child victims in indecent images.
- 10.12 There are practical implications for the panel; where the criteria are met, the panel will need to consider:
 - The prisoner's non-disclosure
 - The reasons (in their view) for the prisoner's failure to disclose the information

- 10.13 The Act only applies to initial release and does not cover recall cases. When considering re-release of a recall case this legislation does not compel the panel to take these matters into account; however, the panel may form a view that these matters remain relevant in such cases and will still wish to give due regard to the circumstances.
- 10.14 Please refer to the Guidance on The Prisoners (Disclosure of Information About Victims) Act for more information.

11 Considering the case on the papers

- 11.1 The Types of Cases Guidance sets out in a table the options available to an MCA panel for each type of case. MCA panels should familiarise themselves with this table.
- 11.2 In summary, options which can apply to particular types of case include:
- Adjourn or defer for further information
 - Adjourn and direct a CMC
 - Issue a paper decision: a release decision, a recommendation for progression to open conditions, or a decision which refuses release or re-release and/or does not recommend progression to open conditions
 - Direct an oral hearing³³
 - Direct an oral hearing and direct a CMC³⁴
 - Direct an oral hearing to be listed after a defined period for specified developments or assessments to take place
- 11.3 These options are explained in greater detail in the following paragraphs.
- 11.4 Under rule 19(8), the decision and advice of the MCA panel must be recorded in writing with reasons for that decision. The written record must be provided to the parties within 14 days of the date of the decision, in accordance with Parole Board Policy.³⁵

Adjourn or defer for further information

- 11.5 To adjourn is to postpone completion of the review to a specified future date with the same panel retaining responsibility. To defer is to postpone completion of the case to a fresh panel at a future date.
- 11.6 Panels have the option to adjourn or defer **any type of case**³⁶ if, subject to the following paragraphs, they consider that further evidence is needed to enable a decision on how to determine or progress the case.

³³ Panels should note the policies relating to specific types of cases if release cannot be directed on the papers – set out in the table of options in the Types of Cases Guidance.

³⁴ A CMC can only be directed at the same time as a direction to an oral hearing where the panel is retaining the case as Chair.

³⁵ This policy has been agreed by the Board's Management Committee and is in response to the time limit having been removed from the Rules.

³⁶ The policy on no deferrals in IPP cases where there is a Secretary of State view was cancelled by Management Committee following review in April 2023.

- 11.7 An adjournment should always be considered before a deferral. This ensures the case is retained by the MCA panel who will see the case through to conclusion or direction for an oral hearing.
- 11.8 Panels should avoid a deferral where possible, but there are some circumstances where it is more appropriate than an adjournment. Examples include the imminent end to the member's tenure, the member expecting to be unavailable for a long time, conflicts of interest,³⁷ or other perceived procedural unfairness.
- 11.9 When deciding whether an adjournment or deferral is necessary, panels should consider:
- Whether additional information is required to make a balanced risk assessment and/or provide a fair hearing and whether this information will be available within a specified timescale
 - Whether the information is likely to materially affect a decision about the necessity of an oral hearing or is otherwise liable at any stage to influence the eventual parole outcome

If not, then a decision to adjourn or defer should generally be avoided, as this can cause unnecessary delay to a review.

- 11.10 Where a case is adjourned or deferred, the MCA directions template should be used to set out the reasons for the adjournment / deferral, the information that is required, who should provide it and the deadlines for compliance with the directions. If adjourning, panels will also need to identify a date to reconvene. When choosing a new panel date, the panel should allow time for:
- The case manager to request representations upon the receipt of all directed reports (7 days)
 - The panel to return the decision (14 days)
- 11.11 The total time between the last direction date and the new panel date should be at least **three weeks and two days** to ensure procedure has been followed and the case is ready for review.
- 11.12 Once the additional information is received following an adjournment the decision is due by 11.59pm on the reconvened panel date set by the member at the original adjournment.
- 11.13 The case manager will let the panel know once the case has been re-panelled on the new panel date.
- 11.14 The panel will have access to the dossier for the duration of the adjournment, which means they will be able to see when reports are added to the dossier. The panel should track adjourned cases and check

³⁷ For more information on conflict of interest please refer to conflict of interest policy in the Member's Code of Conduct and the Oral Hearing Guidance.

with the case manager if deadlines pass and the directed information has not been received. Although case managers monitor developments, panels should also make checks to ensure cases are kept on track. This supports fairness to the prisoner as well as procedural efficiency.

- 11.15 If the panel assess prior to the submission of all directed reports that there is enough information to determine the case, the panel should inform the case manager who will invite representations from the prisoner or their representative (please see paragraph 11.18).
- 11.16 If a direction is expected to be complied with late, PPCS should send the case manager a Stakeholder Response Form (SHRF) requesting to extend the deadline in advance of the last direction date.
- 11.17 Under delegated authority, where the extension will not impact upon the panel date, the case manager is able to extend deadlines for directions.³⁸ Where the extension will impact upon the panel date, the request will be sent to the panel to consider the application. The timeframes at paragraphs 11.10 – 11.11 will need to be taken into consideration.
- 11.18 On the day after the last direction deadline, if the direction has not been complied with and no SHRF has been received, the case manager will inform all parties that the direction(s) have not been complied with and that the case will return to the panel for assessment. The case manager will then:
 - Invite representations from the prisoner or their representative; and then
 - Send the representations to the panel if received; or
 - Inform the panel that the deadline for representations has passed.
- 11.19 When the additional information directed has been received, the panel should make their MCA decision on a new template as a decision or as further directions.
- 11.20 When considering an adjournment or deferral, the panel should take into account whether the case has been adjourned or deferred previously, to avoid the case being stuck in a loop of multiple delays. The ongoing need for adjournment/deferral must be kept under review by the member to avoid unnecessary delay. **The Board is under a legal obligation³⁹ to complete a timely review of cases referred to it. Cases should not be adjourned indefinitely or be subject to long delays which are unjustified or disproportionate.** If a case appears to be 'stuck' with no progress, rather than adjourn or defer it again, the panel may wish to make a decision on risk and conclude the case on the basis of available evidence, or direct an oral hearing. Alternatively, the panel may wish to

³⁸ There is currently a pilot underway for case managers to adjourn cases under delegated authority.

³⁹ Article 5(4) of the European Convention on Human Rights, and also under common law.

consider adjourning and directing a CMC or directing to oral hearing and direct a CMC.⁴⁰

- 11.21 If considering a deferral, panels should take into account the overall time impact on the case when deciding how long to defer a case for. Cases must not be deferred indefinitely or be subject to long delays which are unjustified and disproportionate. Panels should also take into account the date of the decision of the prisoner's last parole review when making a decision to adjourn or defer (in line with rule 6(14)).
- 11.22 **Adjournments and deferrals must not exceed four months from the date of the panel unless there is an exceptional and compelling reason to extend the period.** Where panels are minded to adjourn or defer the review for more than four months, clear reasons must be given to evidence the exceptional and compelling basis for doing so. When considering an adjournment, under rule 6(14) panels must take into account the date of the decision of the prisoner's last parole review [and bear in mind the likely date of the next parole review should the outcome of the current review be a no release decision]. Please see paragraph 11.51 which provides guidance on where it may be appropriate to conclude the case on the papers on the information that is available.
- 11.23 Please refer to the Adjournments and Deferrals Guidance for more information, including examples of when an adjournment or deferral at MCA stage may/may not be appropriate.

Issuing a paper decision

- 11.24 **Paper decisions can be made if panels are satisfied that there is enough information to determine whether the relevant test is met to conclude the case on the dossier documentation alone, and that it is fair to the prisoner to do so.** Panels will need to include the full set of reasons on the paper decision template.
- 11.25 Depending on the type of case and the Secretary of State referral, the decision can direct release or recommend transfer to open conditions, or not direct release and/or not recommend transfer to open conditions.⁴¹ In coming to its decision, panels must follow the principles of the Decision-Making Framework.
- 11.26 Where the referral from the Secretary of State includes consideration of release and of suitability for open conditions, panels must first consider whether the CPPT is met and, if release is not directed, to then consider whether to make a recommendation for open conditions.
- 11.27 **Prior to concluding a case with a paper decision, any ongoing non-disclosure applications must be completed.** The review should not be

⁴⁰ The panel can seek advice from the Legal and Policy hub.

⁴¹ Panels should note the policies relating to specific types of cases if release cannot be directed on the papers – set out in the table of options in the Types of Cases Guidance.

progressed without the full non-disclosure process having been completed. Panels may need to adjourn.⁴²

- 11.28 The Rules give the Board power to release any prisoner on the papers, where release is included in the terms of the referral. This includes initial release of those serving an indeterminate sentence as well as indeterminate recall cases if the case merits such a decision. However, panels should note that **Parole Board policy is that there is a presumption that a first-time release of a life sentence prisoner should only take place following an oral hearing.**
- 11.29 A recommendation for open conditions for a life sentence prisoner can be made by panels on the papers at MCA; however, **Parole Board policy is that there is presumption that recommendations for a life sentence prisoner to progress to open conditions should only take place following an oral hearing.**
- 11.30 Where panels go against these presumption policies, they must provide clear reasons for doing so within the paper decision.
- 11.31 'No Release' paper decisions can be issued in all types of cases except:⁴³
- **Prisoners who are under the age of 18 at the point of referral (child cases):** if not released on the papers, Parole Board policy is to automatically grant an oral hearing with the case prioritised in the next listing schedule
 - **Prisoners detained under section 47/49 of the Mental Health Act as a restricted patient in a secure hospital or mental health setting:** if not released on the papers, Parole Board policy is to automatically grant an oral hearing with the case prioritised in the next listing schedule⁴⁴
 - **Prisoners subject to their first review once remitted back to prison after having been in a mental health unit or secure mental health setting:** if not released on the papers, Parole Board policy is to automatically grant an oral hearing with the case prioritised in the next listing schedule
- 11.32 **Parole Board policy is also that there is a presumption (but not an automatic right) of an oral hearing for prisoners aged 18–21 (inclusive) at the point of referral if they cannot be released on the papers.** Please refer to the Young Adults Guidance for further information.

⁴² The stage of the non-disclosure application (NDA) will determine whether an adjournment notice should reference the Board receiving an application for non-disclosure. If the Board has not yet made a decision on the NDA, then the adjournment notice should **not** make reference. If a decision has been made under rule 17 (5) then the adjournment notice can make reference.

⁴³ Where more than one policy applies to a case, the panel will need to determine what is the fairest way to proceed which also maximises the protection of the public.

⁴⁴ The Mental Health Case Member Cohort deal with all cases where the prisoner is in a secure hospital or mental health setting, and cases where the prisoner has been returned to prison from hospital and it is their first parole review since leaving hospital.

Issuing a decision for release

- 11.33 In order to issue a paper decision for release, there must be sufficient evidence to demonstrate that the prisoner meets the **CPPT**.⁴⁵
- 11.34 The Board must not give a direction for release unless the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined [in prison].⁴⁶
- 11.35 A direction for release must not be made unless panels consider that there is no more than minimal risk of the prisoner committing a further offence which would cause serious harm, should they be released.⁴⁷
- 11.36 When undertaking the assessment in paragraph 11.35 above, the panel must consider whether the prisoner would engage in conduct which would constitute an offence under Schedule 18B Criminal Justice Act 2003.⁴⁸
- 11.37 When applying the CPPT, the panel **must** take the following matters into account:⁴⁹
- (a) the nature and seriousness of the offence in respect of which the relevant sentence⁵⁰ was imposed
 - (b) the nature and seriousness of any other offence for which the prisoner has at any time been convicted
 - (c) the conduct of the prisoner while serving the relevant sentence (whether in prison or on licence)
 - (d) the risk that the prisoner would commit a further offence (whether or not specified in Schedule 18B to the Criminal Justice Act 2003) if no longer confined
 - (e) the risk that, if released on licence, the prisoner would fail to comply with one or more licence conditions
 - (f) any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence

⁴⁵ Please see the *Types of Cases Guidance* for full guidance on the CPPT.

⁴⁶ Section 28ZA (2) *Crime (Sentences) Act 1997* (CSA 1997)/ section 237A (2) *Criminal Justice Act 2003* (CJA 2003).

⁴⁷ Section 28ZA (3) CSA 1997/ section 237A (3) CJA 2003.

⁴⁸ Please see Annex 2 of the *Types of Cases Guidance* for further information.

⁴⁹ Section 28ZA (5) CSA 1997/ section 237A (5) CJA 2003.

⁵⁰ The 'relevant sentence' is the sentence, in respect of which, the decision about suitability for release is made (section 28ZA (8) CSA 1997/ Section 237A (8) CJA 2003). It may also be referred to as the index offence.

(g) any submissions made by or on behalf of the prisoner or the Secretary of State (whether or not on a matter mentioned in paragraphs (a) to (f))

11.38 Additionally, the panel **must**, in particular, have regard to the protection of any victim of the prisoner.⁵¹

11.39 **Panels should note that the factors set out in paragraphs 11.37 and 11.38 do not limit the matters which they must or may take into account when making a public protection decision.**

11.40 The CPPT applies to all cases. Parliament has not indicated that the test should be interpreted any differently for Extended Determinate Sentence (EDS) prisoners during the extended period of their sentence. Therefore, the *Sim*⁵² test must no longer be applied, and panels must not apply a presumption in favour of release.

11.41 For a panel to complete an adequate analysis which follows the principles of the Decision-Making Framework, the evidence needed for a release decision should include:

- Accurate information about the referral from the Secretary of State, the sentence (including sentence dates) and all other relevant dates such as parole eligibility
- All the mandatory reports as per the Schedule to the Rules⁵³
- A clear and independent account of the index offence and sufficient information to consider the nature and seriousness of any other convictions and to identify other patterns of offending
- Sufficient information to consider the conduct of the prisoner during the sentence for the index offence
- Any material that has been subject to a successful non-disclosure application (NDA). Panels should ensure that they have sight of all the relevant NDA documents and make sure that the information has been considered. Panels should ensure that, if there is an indication that there may have been an NDA (as evidenced by, say, a gist being present in the dossier) they have sight of the application, decision, and the full material. If they have not had sight of the full material and are unable to access it, they should raise the matter with the Parole Board Case Manager, who will liaise with PPCS to ensure that the full information is provided. If there is no non-disclosure information, PPCS should confirm
- Any clearly identified risk factors as well as the prisoner's triggers and motivations for offending
- The full details and circumstances of the most recent recall with a summary of previous recalls
- Other relevant contextual information.

⁵¹ Section 28ZA (6), (7) CSA 1997/ Section 237A (6) and (7) CJA 2003. Please note that this does not preclude the Board from doing so, for other victims of crimes of the prisoner (for any crimes, other than the index offence), but the Board is not compelled to do so.

⁵² *R (Sim) v Parole Board* [2004] QB 1288.

⁵³ Please refer to paragraph 3.5 for cases where mandatory reports are missing/unavailable.

- An assessment of any allegations relevant to risk, including any finding of fact made and the relevance and weight attached to the finding⁵⁴
- Evidence of change and risk reduction (for example, successful completion of interventions, assessed motivation and compliance, security information, protective factors) and any evidence of the effectiveness in reducing the risk the prisoner poses to the public of any treatment, education or training the prisoner has received or participated in while serving the relevant sentence
- Full risk assessments and information which enables assessment of the levels and imminence of risk
- A complete risk management plan (RMP) (or release plan for prisoners presenting a low risk of harm)
- A full set of proposed licence conditions
- A VPS if it is indicated one will be available
- Any submissions made by or on behalf of the prisoner or the Secretary of State

11.42 If this evidence/information is not available to the panel, an adjournment or deferral for further information may be appropriate or consideration given to whether an oral hearing is more appropriate.

11.43 As set out in section ten, and particularly paragraph 10.7, a VPS should be taken into account and explicitly referenced in the body of the decision.

Releasing indeterminate sentence prisoners on the papers

11.44 While initial release and re-release of IPP and life sentence prisoners may take place on the papers,⁵⁵ it **may not** be appropriate in the following circumstances:

- If risk assessments are finely balanced, oral evidence is likely to be helpful
- If there is any dispute of fact or a finding of fact needs to be made
- If key report writers have made conflicting risk assessments
- If there are any key issues which are not addressed in reports – sometimes these may be identified by representations
- If a case is complex or unusually serious and the member has concerns about directing release that require further exploration
- In any case, when applying the OBR principles (see paragraphs 6.9 – 6.12), a prisoner reasonably wishes to put a case or to question the views of others at an oral hearing

11.45 If the case presents high-profile matters which may attract public scrutiny, or material that may attract particular local or national interest, the panel need not be inhibited from releasing on the papers but should check with the case manager that the Board has a communications plan in place before the decision is issued.

⁵⁴ Please see the *Guidance on Allegations* for more information.

⁵⁵ Initial release of a life sentence prisoner needs to take account of the policy of the presumption of an oral hearing.

Recommending open conditions for indeterminate sentence prisoners

- 11.46 Panels make a 'recommendation' in respect of a prisoner who is eligible to go to open conditions.⁵⁶ This is *advice* to the Secretary of State, which is not binding, rather than a direction which is binding. There is not a formal or legal 'test' for recommending transfer to open conditions, but rather a set of criteria laid down by the Secretary of State. Please refer to the Types of Cases Guidance for more information.
- 11.47 A recommendation for transfer to open conditions for life sentence prisoners may be made on the papers; however, Parole Board policy is that there is a presumption that this should only happen following an oral hearing (please refer to paragraph 11.29 for more information). This policy does not apply to prisoners serving an IPP sentence.
- 11.48 In all cases where it is part of the referral, the criteria for recommending transfer to open conditions will be automatically inserted into the decision template. The criteria must be addressed separately and explicitly in the paper decision.
- 11.49 Please refer to the Types of Cases Guidance for more detailed guidance about open conditions and the criteria for recommending transfer to open conditions.

Issuing a no release paper decision

- 11.50 If the panel is satisfied that a prisoner is not suitable for release or re-release following recall (on the basis of applying the CPPT as set out in the previous section) and that the case does not require an oral hearing, they can issue a *no release* paper decision.⁵⁷ This must follow consideration of the OBR principles, which must be referenced in the decision. Standard wording (see paragraphs 6.19 – 6.25), set out above, followed by detailed reasons, addressing any representations must always be used for this.
- 11.51 *No release* paper decisions may be appropriate in the following circumstances:
- There are well supported/reasonable representations from a prisoner/their representative asking for a paper decision rather than an oral hearing
 - The previous review took place at an oral hearing and very little of significance has changed since (though the potential benefits of an oral hearing as a means of re-engaging a prisoner 'stuck' in the parole process should not be disregarded and the OBR principles always apply). It is worth considering the potential impact on risk of the

⁵⁶ Referrals made on or after 8 January 2026 will not seek the Board's advice on the suitability of Category A and Restricted Status Indeterminate Sentence Prisoners for transfer to open conditions.

⁵⁷ Panels should note the policies where there is a presumption or automatic granting of an oral hearing if release cannot take place on the papers – please see the table of options in the Types of Cases Guidance.

further passage of time; much can change for a prisoner in a year, even if no further interventions have been completed

- The prisoner is confirmed to be about to start an important intervention, and a period of consolidation afterwards is needed
- A prisoner has only recently arrived in open conditions and needs time to work through the regime and resettlement scheme in order to demonstrate change or to reduce risks sufficiently for a safe release
- The automatic point of release (such as the SED⁵⁸) is imminent and falls within the Board's policy for a minimum period of time to remain in order to arrange an oral hearing (see paragraphs 6.13 – 6.18). As with all cases, the CPPT **must** be the primary consideration and the panel will need to consider whether it has been met. If it is not possible for any reason to conclude that the test has been met, then the panel must say so and explain why in the paper decision
- The case has been adjourned and deferred a number of times and there is no realistic prospect that the issue holding the case up will be resolved swiftly. In such a case, and only after having considered OBR principles, it may be better to conclude the review on the information that is available and thus allow the prisoner an opportunity to concentrate on progression work pending a further review.⁵⁹ Panels should bear in mind that PPCS can shorten the review period, if necessary, once the issue that is holding the case up has been resolved

11.52 Panels should carefully consider cases where the prisoner faces outstanding charges and (a) it is confirmed it will be more than twelve weeks before the matter is concluded; and (b) the allegations are similar to the index offence and/or are serious or are otherwise relevant to a proper assessment of risk. When considering allegations, panels should consult the Guidance on Allegations, and must follow the principles set out in the judgment in *Pearce*.⁶⁰ Once reasonable enquiries have been made, the panel may determine that they have sufficient information to fairly conclude the case and avoid multiple adjournments and delays. The decision could recommend that the Secretary of State refers the case back to the Board once the outcome of the court proceedings or police investigations have concluded (unless a new sentence is handed down). The Secretary of State could consider whether there have been significant changes in circumstances that warrant a swift, new referral, where the prisoner remains in custody.

11.53 Under rule 20, prisoners who have received a *no release* MCA decision have 28 days from the decision being sent to decide whether to accept the outcome or request an oral hearing. These requests go to the duty member to determine (please refer to the Duty Member Activities Guidance for more information). Panels should **not** use the fact that this channel is available to the prisoner as justification for issuing a *no release* decision if there are any doubts. If, following detailed assessment, there is

⁵⁸ Panels may wish to adopt a similar position where the conditional release date (CRD) for an EDS prisoner is less than 26 weeks away, though this is not a specific policy.

⁵⁹ Panels should ensure they have firstly considered whether a CMC may help to resolve any issues – see section 9.

⁶⁰ [2023] UKSC 13 on appeal from [2022] EWCA Civ 4.

still doubt as to how to conclude a case on the papers, or about whether an oral hearing is required, then an oral hearing should be directed.

11.54 There are other circumstances where a *no release* paper decision may not be the most appropriate route, over and above the criteria already mentioned in paragraph 11.31 above:⁶¹

- When the prisoner has not had an oral hearing for some time or if it is their first review during a long sentence, even if it appears likely that the outcome of an oral hearing may be a *no release* decision
- Oral hearings can be an invaluable way of reviewing a prisoner's progress and/or keeping them engaged with the parole process and motivated in relation to their sentence plan, an approach which is consistent with the OBR principles (see paragraphs 6.9 – 6.12)
- Even if there are no representations asking for an oral hearing, or even if the prisoner/representative has asked for a review on the papers, there may be merit in exploring the reasons for this request and considering whether an oral hearing would still have value and be fairer
- Where a panel is minded not to apply the policy on directing to oral hearing for prisoners who are under the age of 18 at the point of referral (child cases) and they are unrepresented, panels are advised to adjourn to allow a representative to be appointed and representations submitted before proceeding with a *no release* decision on the papers.

11.55 For a reasoned and fair *no release* decision, a panel is required to produce a full set of reasons on the paper decision template which provide detailed evidence, similar to the content (set out above) for a release decision. The Board must be able to show that it has considered and properly analysed all the necessary evidence, addressed any representations, and demonstrate within a structured paper decision that the prisoner does not meet the CPPT.

11.56 As set out in section 10, and particularly paragraph 10.7, a VPS should be taken into account and explicitly referenced in the body of the decision. Even where a no release decision is to be issued, the victim can expect to have their VPS read.

Guidance on writing paper decisions

11.57 Once the panel has determined that the case can be appropriately concluded on the papers, the paper decision template should be used, and panels should follow the Decision Writing Guidance. Additional guidance on writing decisions is provided on SharePoint in the form of a checklist: Decision-writing Checklist. This is not intended to replace the Decision Writing Guidance but instead to provide prompts to help ensure reasons are of a consistent high standard, effectively conveying the key

⁶¹ Panels should note the policies where there is a presumption or automatic granting of an oral hearing if release cannot take place on the papers. Please see the table of options in the Types of Cases Guidance.

information, analysis, and reasons for a decision in a clear, understandable manner.

11.58 Under rule 19(8), the decision and advice of the panel must be recorded in writing with reasons for that decision. The written record must be provided to the parties within 14 days of the date of the decision, in accordance with Parole Board Policy.⁶²

11.59 Decisions should be marked with the date they are emailed to the case manager, usually the specified panel date, and not the date the decision template was opened or completed, where this differs.

Possible activity following a paper decision

Rule 20 Application

11.60 Where the panel makes a *no release* decision on the papers, the decision is provisional, and the prisoner has 28 days after the decision is sent to the parties to request (under rule 20) for their case to be considered at an oral hearing. An application under rule 20 will be determined by a duty member.

Reconsideration

11.61 If no rule 20 application for an oral hearing has been made within the 28-day window, the decision remains provisional for a further 21 days if the decision is eligible for reconsideration, and a reconsideration application can be made at this point. If the decision is not eligible for reconsideration, the decision becomes final at the end of the 28-day window. If no application for reconsideration is made within the 21-day time frame, the decision becomes final.

11.62 Please refer to the Guidance on the Reconsideration Mechanism for more details on eligibility and the grounds on which a decision can be challenged.

Set Aside

11.63 Once the decision becomes final, the Board has the power to set aside a release decision where the criteria and tests have been met.

11.64 For eligible cases, the set aside mechanism allows either party to the proceedings to make an application⁶³ for a parole decision to be set aside where:

⁶² This policy has been agreed by the Board's Management Committee and is in response to the Rules having removed the time limit.

⁶³ An application to set aside can be made at any time from the date the decision became final up until release takes place.

- i. New information: That the direction for release would not have been made if information that was not available to the panel when the direction was made had been available, and/ or
 - ii. Change in circumstances: That the direction for release would not have been made if the change in circumstances relating to the prisoner had occurred before the direction was given.
- 11.65 A *no release* decision or a decision regarding a recommendation for open conditions or any other advice **is not eligible for the set aside process**.
- 11.66 The Board can also set aside a decision on its own initiative if one of the circumstances (set out above) is met.
- 11.67 Please refer to the Setting Aside a Decision Guidance for more details on eligibility, the timeframes, and the grounds on which a decision can be set aside.

Judicial Review

- 11.68 Either party (prisoner or Secretary of State) who wishes to challenge a final decision of the Board can do so by making an application for judicial review to the High Court. Separate guidance has been produced on Judicial Reviews and Private Law Claims.

High Court Referral

- 11.69 The VAP Act introduced a new power⁶⁴ for the Secretary of State to direct the Board to refer the prisoner's case to the High Court following a Parole Board release decision for certain prisoners if they consider that:
- (a) The release of the prisoner would be likely to undermine public confidence in the parole system, and
 - (b) If the case were referred, the High Court might not be satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined.
- 11.70 Where the Board receives such a direction, the referral must be made within two working days of receiving the Secretary of State's direction.⁶⁵
- 11.71 Panels will be notified if a decision that they have made has been referred to the High Court, alongside brief details of the reasons for the referral, and will be provided with the High Court's decision once received.

⁶⁴ The Sentencing Act 2026 expanded this power to include decisions to re-release an IPP prisoner unconditionally.

⁶⁵ Rule 32 (part 5) of the Parole Board rules introduces the new procedural framework for the new parole referral power.

12 **Direct the case to an oral hearing**

- 12.1 Among reasons for directing a case to an oral hearing, fairness to the prisoner is the overriding requirement. As above, the likely outcome of an oral hearing should not be a deciding factor.
- 12.2 Some types of cases should be referred automatically to an oral hearing. Please refer to paragraph 11.31 for more information.
- 12.3 To ensure that reviews are completed as speedily as possible, panels should direct cases to oral hearings only when fairness requires that oral evidence is necessary to reach a decision and conclude the review. For example, the OBR principles (see paragraphs 6.9 – 6.12) do not guarantee an oral hearing:
- Just because the parties have asked for one
 - Where evidence can be considered fairly and effectively without the need to be tested orally or in person
 - Where the prisoner's legitimate interest in taking part can be discharged by issuing written submissions
- 12.4 In summary, the OBR principles do not require an oral hearing to take place in all cases, but the key test is whether fairness to the prisoner requires oral evidence to be heard (see paragraph 6.2).
- 12.5 Panels should also bear in mind that the principle set out in the OBR judgment is not the likelihood of release, or the need to save time, expense, or trouble. The panel must also consider the Board's duty to provide a speedy review under Article 5(4) ECHR and common law. Accordingly, **unless oral evidence is needed to meet the principle of fairness, a swift conclusion on the papers (potentially following the receipt of further directed reports) may fulfil the obligation for a speedy review.**
- 12.6 When panels are considering whether an oral hearing is needed (and what form that hearing should take) they should ask themselves the following questions, always bearing in mind the OBR principles:
- Is the prisoner's suitability for progression clear and obvious from the evidence? For example, a prisoner may have recently arrived in open conditions (or have just started risk-related interventions) and requires time to complete the work or to adjust – then it may be appropriate to decide the case on the papers
 - Does the prisoner want an oral hearing? If they do not, then it may be appropriate to decide the case on the papers – but care should be taken to consider the wider questions of fairness, particularly if the prisoner is unrepresented
 - Has a further sentence been imposed which makes it unlikely that a decision to release the prisoner from the index sentence will be

made?⁶⁶ It may be appropriate to decide this case on the papers but there may be wider circumstances – such as a need to further explore whether a recall was appropriate in the light of all the paper evidence, the need for a proper and complete review, and a different form of offending which bears on risk assessment

- Is the prisoner approaching the SED?⁶⁷ If a prisoner is 26 weeks or less from their SED⁶⁸, then it may be appropriate to decide the case on the papers, as it is unlikely that an oral hearing can be organised in that time. In such a case, a paper review meets the legal requirement for a proper and speedy review of continued detention. There may be circumstances where this approach is not appropriate, and these should be outlined by the panel
- Are there ongoing criminal investigations or proceedings unlikely to be resolved in the next twelve weeks? If so, then it may be appropriate to decide the case on the papers, as the criminal investigations or proceedings may not be concluded in that time. Awaiting repeated or extensive adjournments or deferrals will not give the prisoner a speedy review of detention, so the review might be concluded more speedily on the basis of available information. In the event that the decision is not to release, PPCS will likely refer the case back to the Board if the outcome of those court proceedings or police investigations would result in there being a significant change in circumstances, and PPCS determine the prisoner is not suitable for release following RARR.⁶⁹ There may be cases where this approach is not appropriate, and these should be outlined in the paper decision
- Is there sufficient information to make a fair, evidence-based decision? If not:
 - Adjourn and direct further evidence, or
 - Adjourn the review and direct a CMC, or
 - Direct to oral hearing and direct a CMC, or
 - Direct an oral hearing
 before a substantive decision is made about the case
- Are the central facts of the case in dispute? It may be more appropriate to direct an oral hearing for the airing and resolution of these matters, consistent with the OBR principles. A face-to-face or video hearing may allow a panel to better observe the reactions of the prisoner or witnesses when testing facts, but a telephone hearing can be equally viable for the panel to hear relevant evidence and may be swifter. Alternatively, when facts of the case are in dispute and need to be tested, this can be done by way of inviting written submissions. When received, these may allow determination of the case on the papers
- Is there a PRA or other specialist report in the dossier which needs to be considered? If so, are there disputes in the evidence? If there are,

⁶⁶ Section 136 of the PCSC Act provides that in determinate recall cases no referral will be made if the prisoner is serving a new sentence with a later release date than the next Parole Board review.

⁶⁷ Section 136 of the PCSC Act provides that in determinate recall cases no further review referrals will be made to the Board where there are less than 13 months until SED.

⁶⁸ Panels may wish to adopt a similar position where the CRD for an EDS prisoner is less than 26 weeks away.

⁶⁹ Please note that consideration for release following a RARR only applies to determinate sentence prisoners who have been recalled, and IPP/DPP prisoners.

can this be explored through written submissions? Once received, these may allow the case to be decided on the papers⁷⁰

- Has the prisoner offered a significant explanation or mitigation of key facts or other matters? Is this explanation or mitigation in dispute? Rather than immediately decide the case on the papers, the panel might invite written submissions from both parties unless an oral hearing is needed for a panel to see or hear the reaction of the prisoner or witnesses. Whilst the primary purpose of any such exploration is to enable a proper assessment of risk for the current review, the explanations could significantly impact the prisoner's management in prison or prospects in future reviews
- Is there an allegation relevant to the panel's consideration of risk whereby there is a reasonably sufficient body of information in the dossier for the panel to consider making a finding of fact, or where a finding of fact cannot be made but there is a serious possibility that the allegations may be true? Where there is insufficient information about a relevant allegation which cannot be provided through written evidence, or where oral evidence is needed to test credibility, an oral hearing may be required.⁷¹

12.7 These questions should be considered together rather than in isolation. It may be that one factor or several in combination tip the balance of fairness in favour of directing an oral hearing. The questions set out above are not exhaustive; the panel must decide each case on its merits and record the reasons for that decision.

12.8 Panels should also bear in mind that:

- In all cases (particularly recall cases), the prisoner has been deprived of their liberty
- Cases which are significantly post-tariff, may need a higher level of 'anxious scrutiny' of relevant facts and issues. The need for a hearing will be greater where the prisoner has spent more time post tariff or between hearings
- Panels must ensure they have adequate information to properly explore and analyse the key issues

12.9 None of these points of themselves demand an oral hearing be directed, but they bear on the panel's wider considerations.

12.10 The Board's review is not confined exclusively to questions of release and suitability for open conditions but may extend to matters having a significant impact on management in prison or on future reviews. Whilst panels do not have the power to give advice on any matters outside the remit of the Secretary of State's referral and have no responsibility for sentence planning, they may wish to identify and consider outstanding areas of risk that need further treatment. This may also be the case when

⁷⁰ Please see the *Table of Reports for directions for joint reports*.

⁷¹ Please see the *Guidance on Allegations for more information on making a finding of fact regarding an allegation*.

a prisoner appears stuck in the system, and a hearing can enable their progression to be critically examined.

- 12.11 Panels can indicate in a decision that the case might, in fairness, be further referred to the Board when outstanding matters (such as a current intervention or an ongoing criminal investigation) have concluded.⁷²
- 12.12 If, having considered all these questions, a panel is still in doubt whether an oral hearing is required, then the OBR principles indicate that it would be prudent to direct an oral hearing.

13 Send the case to oral hearing to be listed after a specified date

- 13.1 A case can be sent to oral hearing with a direction that it be listed after a certain date, for a specific purpose which is relevant for the completion of an effective risk assessment. Valid reasons for this might include:
- Enabling the prisoner to complete temporary releases (especially overnight release on temporary licence (ROTLs)) before a hearing where there is a clear indication these might be achieved within four months
 - Enabling the prisoner to complete a course/intervention they have already started and are due to complete within four months, for which indication of good progress is needed, and the outcomes will bear on risk assessment
 - Allowing time for the completion of post-programme review reports
 - Allowing time for the preparation of a PRA or other substantive or expert report where this will be necessary and fair in determining the case
- 13.2 The panel will need to balance the requirement for a 'speedy' review of detention with fairness to the prisoner. If a short delay will enable a much better-informed decision to be made, then it can be justified. However, panels must be careful to ensure that cases are not delayed indefinitely or for lengthy periods against a constantly fluctuating backdrop, or that repeat adjournments take place (which may incur financial compensation from the public purse).⁷³
- 13.3 If this course of action is being considered, it is good practice to seek representations from the parties first.

14 Guidance on building an oral hearing and drafting directions

- 14.1 If a panel directs the case to an oral hearing, all the logistics must be put in place so that the appointed oral hearing panel can proceed with its task

⁷² Cases that have less than 13 months until their sentence expiry date will not be further referred to the Board.

⁷³ Panels should be mindful not to schedule a hearing date too far in advance and should refer to the Adjournments and Deferrals guidance to determine if an adjournment or deferral would be more appropriate.

of carrying out an effective, evidence-based assessment of risk without becoming caught up with unnecessary uncertainties or procedural issues. This includes consideration of which evidence and witnesses the oral hearing panel will require by directing the production of documents which were not provided at the time of referral but will be necessary for a fair and effective review.

- 14.2 It is also the panel's role to provide the oral hearing panel chair with an overview of the case, to identify key issues which the panel might wish to explore at the hearing, and to issue a set of directions to obtain the information the panel will need. **It is, however, critically important that in doing this, the panel does not impede any future panel that hears the case at the oral hearing, or provide, or appear to provide, an opinion on risk.** At MCA stage therefore, the panel must not offer views about the evidence in the dossier or undertake an assessment of risk. Even objective reference to risk assessments and scores found in the dossier should be avoided. Nor must the panel place boundaries on the areas that the oral hearing panel may wish to explore or rule out witnesses which the panel chair may wish to call.
- 14.3 Throughout this process, it is vitally important that panels take full account of any views which have been expressed by the prisoner, their representative and/or the Secretary of State, and/or requests for directions/evidence or about hearing logistics and necessary adjustments. At this early stage, they should also deal with any non-disclosure issues and attempt to ascertain any victim involvement.

Completing the directions template

- 14.4 There is one MCA directions template, no matter the type of case being considered. The template guides panels through the mandatory fields that must be completed and what should be included under each of the headings.

The 'key issues and reasons' section

- 14.5 The main section of the MCA directions template is headed 'key issues and reasons'. Its purpose is to give the reader a clear overview of the case. The content should be written in the third person and not the first because the directions are procedural instructions.
- 14.6 The amount of narrative information provided in the key issues box will depend on the reasons for the oral hearing and the complexities of the case, but panels should be as succinct as possible whilst including the necessary information. Avoid duplicating information already added in the mandatory fields. Information to be added includes:
- Any significant features should be highlighted, such as the Secretary of State indicating that the prisoner is excluded from open conditions
 - An outline of what representations are asking for and any suggestions made, with the panel's response to them

- **A brief summary** of the following (it is not necessary to provide detail because the oral hearing panel will get this from their own preparation of the case):
 - Index offence and overview of previous, relevant patterns of offending (avoid listing previous convictions but offer analysis of patterns and themes). However, the panel should not provide, or appear to provide, an opinion on risk
 - Prisoner's current situation: not the history of the sentence but reference to outcomes of any previous reviews and a brief summary of the main developments since the last review
- An explanation of why the case is being sent to an oral hearing and why it cannot be concluded on the papers: this should go beyond saying there is not enough information in the dossier and instead reference fairness, disputed facts, complexities in the case, and specific information needed for an effective review
- A broad outline of what the main issues are likely to be (but leaving it open for the oral hearing panel to explore other matters as necessary)
- If there are particular, unusual logistical issues which need more explanation than is permitted elsewhere on the template, explanations should be inserted at the end of the key issues box. Explanation is needed why a new substantive assessment or other report is directed
- Any particular arrangements or reasonable adjustments required for the prisoner must be highlighted so the oral hearing panel can take account of them and/or PPCS can ensure these are actioned. Some may impact on the amount of time needed for the hearing

Identifying the 'issues' for the oral hearing

14.7 This critical part of the 'key issues' section starts to identify what the panel might want to explore at the oral hearing. The issues should always be risk-related and thus relevant to the decision-making process. **These should be a broad outline of what the main issues are – the panel should leave it open for the oral hearing panel to explore and make their own assessment.** They will be different in every case but could include:

- Issues of concern identified at the previous review (where there was one) – a good starting place, although the next panel may not be limited to these issues
- Any issues specifically raised in representations – not all witnesses will have seen these, so it will be helpful to set them out
- Any less obvious outstanding areas of risk
- Completion of interventions including accredited programmes and treatment regimes – what impact they had, what level of insight the prisoner is reported to have
- How an allegation leading to recall or return to closed conditions may impact upon risk⁷⁴

- What weight, if any, to give allegations⁷⁴ of unconvicted offending, security intelligence or unproven adjudications – the next panel may explore these in its risk assessment
- Prison behaviour and whether custodial conduct may be relevant to risk assessment
- Whether there is an understanding of the prisoner's offending behaviour in relation to triggers and motivation
- Facts to establish, disputes to resolve, and discrepancies to explore
- The possible implications of learning difficulties/challenges, mental health problems, neurodiversity and other characteristics on learning, risk, ability to benefit from interventions and future risk management in the community
- In broad terms, the RMP and elements which may need to be tested
- Different opinions and assessments that are evident from key report writers.

14.8 Please note that the above list is intended to help prompt the panel in considering issues which **may** be relevant. The narrative should refer only to those factors which are material to the case, and it should be succinct and focused rather than all-encompassing.

14.9 Issues identified for the hearing should be cast in conditional language ("the panel may wish to explore...") so that the oral hearing panel is not restricted to issues and limits initially identified by the panel. These issues should be included under the 'key issues the oral hearing panel may wish to explore' on the MCA directions template.

Representation

14.10 At MCA stage, if there is no confirmation of representation and the case is being directed to an oral hearing, checks need to be made whether the prisoner wants or needs to have representation.⁷⁵ Standard directions are generated for all cases (even where representation has been confirmed) that will:

- direct the prisoner is given access to the "easy-read" format guidance about the parole process, guidance on oral hearings and "getting ready for a parole review without a lawyer" leaflet
- direct the prison to support those prisoners who are not represented and ascertain whether the prisoner is represented or is currently seeking to instruct a legally qualified representative or another suitable person and to seek their application for the review
- strongly advise that the prisoner seeks representation

14.11 If a panel is minded to conclude the case on the papers and the prisoner is unrepresented, care should be taken to ensure they will not be

⁷⁴ Panels must follow the principles set out in the judgment in *Pearce* when considering allegations. Please see the *Guidance on Allegations* for more information.

⁷⁵ Panels are firstly advised to check WAM for whether a representative is instructed.

disadvantaged. This may be particularly important where the prisoner is vulnerable or has other considerations that may potentially lead to the prisoner not being able to fully engage.

- 14.12 If a case is directed to oral hearing and there is no current indication that a legal representative is or will be instructed, it is even more important to ensure that the directions are written clearly and in plain English.
- 14.13 Please refer to the Guidance on Representation for more information about prisoners who are unrepresented or where there are grounds for concerns around the prisoner's ability to conduct their own parole review.

The logistics of an oral hearing

- 14.14 Once it has been set out why a case is directed to oral hearing and issues have been identified, the next stage is to identify the procedural components:

- What evidence might the oral hearing panel need which is not already in the dossier?
- Do any core reports need to be updated?
- Who should be called as witness and why? However, please note paragraph 14.46 on children and paragraphs 19.47 – 19.50 on victims.
- Does the prisoner have additional needs or support requirements to be able to prepare for and engage with the oral hearing? Are any adjustments required, for the prisoner or any other witness?
- How many members are needed for the panel and is a specialist Parole Board member required for the case?⁷⁶
- How long might the oral hearing take?
- How and where should the oral hearing take place (video, face-to-face, telephone or hybrid)?
- Are there other logistical issues which might stem from the prisoner's needs, witness' requirements, or the prison or secure hospital's restrictions?
- Are there logistical considerations about a victim attending to read their VPS or to observe?

Identifying missing evidence and directing new documentation

- 14.15 The quality, completeness, and relevance of the evidence available to a panel will be crucial in determining whether an oral hearing will be effective. The panel chair is required to issue additional directions, 'Panel Chair Directions' (PCDs), ahead of the oral hearing but the aim of MCA when directing an oral hearing is to minimise such involvement and to lay out requirements for a viable hearing, reducing the chances of delay. In particular, a panel chair will not have time to direct reports on psychiatric or psychological issues before the hearing and failure to direct such

⁷⁶ The "Panel composition and specialist members" subsection of this document provides guidance on the role of psychiatrist and psychologist members of the Board.

reports at the MCA stage may necessitate the adjournment or deferral of a listed hearing.

- 14.16 The Secretary of State undertakes to provide a core dossier with mandatory documents as set out in the Schedule to the Rules. Contents will differ depending on the type of case. In relevant cases, the dossier will contain notes indicating that specified documents were not available at point of referral – these may need to be directed at MCA stage if they can be located. It is, however, more important to focus on what is essential in any particular case, having regard to the likely key issues for the review, rather than relying on standard reports and taking a formulaic approach. Every case referred to the Board will be different and should be treated as such. The panel must direct information that is **relevant, proportionate, reasonable, necessary, lawful and deliverable** – this is a judgement call in the individual case.
- 14.17 The following list indicates some types of reports likely to be relevant, necessary and proportionate depending on the type of case. This is in addition to the mandatory reports set out in the Schedule to the Rules.
- Start Custody OASys Assessment (post-sentence reports are no longer completed for any prisoner sentenced after 1 December 2020)
 - Court of Appeal transcript summary report
 - Previous Parole Board decisions
 - Existing psychiatric and/or psychological, or other expert assessments
 - Domestic Abuse Risk and Needs Assessment and other risk assessments, including Structured Assessment of Risk and Need
 - Accredited post-programme reviews reports
 - Recall reports
 - Witness statements and police evidence, perhaps Crown Prosecution Service (CPS) summaries in the event of new offences/allegations. MG5 (case summary) and MG11 (witness statement) can be useful from the Crown Court Digital Case System
 - Relevant police intelligence including details of domestic abuse police callouts
 - LISP4 report outlining removal from open conditions (only relevant in ISP cases)
 - Progress or end-of-therapy report from a therapeutic community or another specialised regime
 - Mental health reports from the prison psychiatrist or in-reach team. If a prisoner has been detained under the Mental Health Act in a mental health facility, the dossier should include documentation prepared for the Mental Health Tribunal along with the tribunal's decision and updated reports covering progress/developments since then (please refer to the Guidance on Restricted Patients and the Mental Health Act for more information)
 - Mental Capacity Assessments where the prisoner's capacity is in doubt (please refer to the Mental Capacity Assessments and Litigation Friends Guidance for more information)
 - Social Care Assessments

- Any reports specific to vulnerable prisoners⁷⁷
- Any reports specific to children, care leavers and/or young adults
- Drug and/or alcohol misuse team reports and treatment summaries
- Prison security information
- OASys assessments which remain valid if less than 12 months' old
- Addendum reports to existing substantive reports

14.18 A table has been produced with a list of reports panels may wish to direct. This also indicates the author and organisation responsible for the report as well as how long the panel may wish to give for the direction to be met. The table can be found on SharePoint: Table of Reports

Setting directions for submission of additional reports

14.19 **All directions must be relevant, proportionate, reasonable, necessary, lawful, and deliverable.** Those responsible for managing compliance with directions, and those meeting the directions, need instructions, so **directions must be clear, precise, and focused on risk.** The panel should set out why an item is needed and its focus if commissioning a new or updated report.

14.20 Here are the main points to consider when setting directions:

- Avoid jargon and unexplained abbreviations. Ensure that directions are tailored to the key issues for the review – use specific and precise terms relevant to the case and write in plain English
- Avoid overly long directions that could cause confusion
- Be clear about what is needed – including separating out multi-part directions to ensure that each element of the direction is clearly identified. Any additional explanation or justification can be included in the narrative box as necessary
- Direct only what is essential for an oral hearing to be effective – consider if the oral hearing panel will need the information to make a full and fair assessment of the case (for example, a ten-year-old post-programme review report may no longer be necessary or relevant)
- Direct reports from a POM and a COM as required (and in line with the Offender Management in Custody (OMiC) model)
- Where there are relevant allegations, use directions to make reasonable enquiries. Is the allegation relevant to the panel's risk assessment? If so, the panel has a responsibility to make reasonable enquiries to investigate the allegation and make a finding of fact, where possible. Where unable to make a finding of fact, the panel should consider whether there is a serious possibility that the allegation may be true
- When directing a healthcare or psychiatric report or update, asking for a 'clinical overview' is likely to be more effective than asking generally for a report or an assessment

⁷⁷ Please see the Oral Hearing Guidance for more information on vulnerable prisoners.

- If asking for a historical report referenced by another report writer in the dossier, mention the relevant page number in the dossier to help PPCS or the prison case manager find it
- If directing a new, substantive report, such as a psychological assessment, refer to the current Guidance on Specialist Reports, including recommended lead times. Be precise about what is required without referring to specific assessment tools (such as HCR-20 or PCL-R⁷⁸) and avoid standardised content – the report author needs to know what issues the panel is concerned with as well as the options available (i.e. progression to open prison and/or release). Make reference to 'psychologist' or 'psychiatrist' as appropriate. If an assessment is needed from another type of expert (e.g. Autistic Spectrum Disorder (ASD) or Post Traumatic Stress Disorder (PTSD), mental capacity, or communication specialist etc.), explain why
- Directions must be timed and sequenced logically and effectively. Be realistic about how long it might take to obtain information directed. Whilst guidance is provided on likely timescales required for reports, MCA members must carefully consider the need to sequence directions. Bear in mind that some reports may rely on other assessments or reports being completed first. Please refer to the Table of Reports for more information about timescales
- When directing addendum reports from COM/POMs, if using template generated wording, **ensure the directions are edited to ensure they are case specific about what needs to be addressed and relate to the key issues.** There is no set timeframe in which reports need to be updated, but more than six months between the report date and the oral hearing might indicate an update is necessary. If there appear to have been few changes in a case this may be unnecessary, but a POM may still have further developments to report which can alert the next panel to areas for investigation. If substantive new evidence is to be directed (for example, a psychological assessment), it is good practice to direct written updates from COM/POMs to reflect that new information and to leave time for them to consider the findings
- Panels can **invite** the disclosure of reports commissioned by the prisoner⁷⁹ (for example, a psychologist report) but it **cannot direct** their submission because the prisoner is entitled to commission a report then choose not to use or disclose it. Equally, the Board **cannot direct** that the prisoner commissions reports
- Where there are conflicting specialist opinions, if a panel assess that a mutual exchange of reports is essential in understanding the two reports, a direction can be issued for the authors to provide a 'joint statement' indicating the areas of agreement and areas of dispute in their findings. This enables key issues to be more readily identified and the timetabling of evidence to be more realistic. Such a direction should not be made in advance of receiving the specialist reports other than in exceptional circumstances because, until the specialist reports

⁷⁸ The HCR-20 provides a framework for the assessment of risk of violence. The PCL-R is an assessment of psychopathy.

⁷⁹ Whilst these are sometimes referred to as 'independent reports' panels should always refer to them as 'prisoner commissioned reports'.

are received, it is not known whether there is a conflict of opinion. The panel can confer with a specialist member of the Board if the panel is unsure whether such a direction is required in the case (please refer to section 7 for more information)

- **Do not issue a direction for a VPS.** If it is unclear if a VPS is to be submitted, a direction can be issued to ask for confirmation of this
- **Do not issue a direction for representations.** Representations can be 'invited' not 'directed'. If there are issues to be resolved, the panel may wish to invite representation from both parties by a specified date
- Although Parole Board decisions may inform sentence planning, **panels should not explicitly involve themselves in the sentence planning of prisoners.** For example, panels should not make directions for a prisoner to undertake a specified intervention
- Panels should be aware that third parties, such as the Police or Social Services, do not receive the entire directions document. It may be helpful to explain the context (risk assessment) and that Parole Board directions are judicial in nature, within the direction itself

Setting directions where there are allegations of wider offending

14.21 There is separate advice on this subject (see Parole Board Guidance on Allegations). In summary, when referring a case to an oral hearing, a panel must make directions to make reasonable enquiries to explore relevant allegations. If allegations appear relevant to the assessment of current risk, the oral hearing panel will need pertinent information in order to analyse the evidence and be able to make a finding of fact,⁸⁰ where possible (such as who was present, where they were, what happened).

14.22 Useful information and evidence to examine to find facts could include:

- Witness statements, including MG11 from the Crown Court Digital Case System (CCDCS)
- CPS documentation and the police MG5 summary of charges from CCDCS
- Defence case statements
- Police statements, interviews or notebook entries
- Social media posts
- Text messages or transcripts of phone calls
- Domestic abuse call-out logs
- Adjudication paperwork

14.23 Directions for additional information relating to allegations might lead to an application for non-disclosure, which should be acknowledged and must be dealt with at the earliest opportunity.

Setting deadlines for reports

14.24 There are two sets of boxes on the MCA directions template for directing additional information – one for directions with a specified deadline and

⁸⁰ Please see the Guidance on Allegations for more information on making a finding of fact regarding an allegation.

one for directions to be met eight weeks before the date of the oral hearing.

- 14.25 The first box is most likely to be used to obtain historical reports which already exist and should be readily available, new substantive reports such as psychological or other specialist assessments which require longer lead-times, or updates about outstanding charges, court cases or other expected developments. In the case of historical documents and criminal matters, the panel should choose a realistic date which still ensures the evidence can be swiftly obtained. The deadlines set for these reports / documents will impact on when the oral hearing can be listed.
- 14.26 The second box stipulates a deadline of eight weeks prior to the oral hearing and should be used for more standard reports and updates from the POM and COM, the security department or other specialist teams in the establishment.
- 14.27 **Directions must be timed and sequenced logically and effectively. Carefully consider whether directed reports need to take account of other directed reports and information (such as a psychological assessment or police evidence).**

Prisoners who are transferred during the parole window

- 14.28 Sometimes a prisoner will have been transferred to a new establishment after the referral to the Board has been made. It is important, when making directions, to stipulate which establishment is responsible for providing directed reports. If a prisoner has been transferred during the "parole window", the sending establishment retains the responsibility for ensuring the dossier is compiled and disclosed, unless an alternative agreement has been reached between the sending and receiving establishments. The sending establishment will also have provided the POM report for review cases.
- 14.29 However, depending on the time which has elapsed since the transfer, it is highly likely that updated information about custodial behaviour, including the reason for the transfer, will be needed from the receiving establishment and the new POM. The key issue is to ensure that up-to-date information can be supplied, including the reasons for the transfer.
- 14.30 Only information that has a clear bearing on risk should be directed. If security information or adjudication records are needed, the panel must stipulate what is required so that the establishment(s) can identify the best source of information. Transfer during the "parole window" may also have implications for the witnesses needed as staff from both prisons may need to provide oral evidence.⁸¹

⁸¹ HMPPS guidance on this is set out in the [Generic Parole Process Policy Framework](#). Should there be any disagreements between prisons, this Framework can be referred to.

Directing witnesses to an oral hearing

14.31 When determining which witnesses are required at an oral hearing, the panel should consider these basic issues:

- a) Why is a particular witness needed?
- b) What will the panel want from them?
- c) What would be the best way for them to give evidence?

Why is a particular witness needed at the hearing?

14.32 If a witness is necessary for an oral hearing, attendance should be directed; however, the directions template narrative should always make clear that the panel chair will have the final say on witness attendance and any other additional directions. A panel must avoid stating that a witness is not necessary because the panel chair may take a different view. It is easier to stand down a witness than to direct the attendance of someone at short notice. Wording can be used like 'subject to the panel chair's approval' or 'when appointed, the panel chair may issue additional directions'.

14.33 Where written information is available and has not been contested, it may be unnecessary to call its author as a witness. For example, at a recall hearing, where the reason for recall was the prisoner's conduct at an Approved Premises (AP), the evidence of the COM supplemented by statements or copies of relevant pages from the AP log may obviate the need for the AP manager or another staff member to give evidence at the hearing. It is also unlikely a panel would need to hear from a prison officer if their evidence can be collated by a POM or it appears in P-NOMIS logs.

14.34 However, if evidence has been disputed, it is good practice to direct the presence of the author of the disputed report because the panel and the prisoner are likely to have questions for that person.

14.35 If a new psychological or psychiatric assessment has been directed, it is good practice to direct the author of that report to give evidence. If there is a report commissioned by the prisoner, the prisoner may wish to call the author of that report as a witness at the hearing and will often ask that they be directed. Even if a request is not received, it can be good practice to consider whether their attendance will be helpful, especially if the report's findings are different to those of an HMPPS psychologist or HMPPS commissioned psychiatrist assessment.

14.36 Many of the psychologists working in the prison service are officially 'in training' in terms of their registered forensic psychology status. Despite this, they can give evidence independently of their supervisor who will have signed off their report. Any such report writers can request to have their supervisor present at the hearing and may apply to the panel chair with this request.

14.37 There are very few circumstances in which a panel would not direct the POM and COM to attend as witnesses. Please note that pre-tariff and

advice cases are unlikely to have an allocated COM. However, panels can still consider asking for a COM to be allocated and directed to attend as a witness where they consider necessary, for example, when the PED is approaching or where there are specific community considerations that the panel considers may need to be explored in evidence.

- 14.38 There may be circumstances in which the testimony of a previous POM/COM is relevant – for example, if they have longstanding knowledge of the prisoner, or there has been a transfer during the “parole window”. Similarly, if the Probation Service area or COM is likely to change at point of release, the panel should consider directing the attendance of the future nominated COM so that the next panel can be satisfied about transfer arrangements and the robustness of risk management planning as well as the prisoner’s relationship with the new COM.
- 14.39 If there have been discontinued criminal charges, the panel may consider directing the relevant police officer to attend the hearing. This may be the Officer in Charge (OIC). It may not be clear at the MCA stage who the relevant officer is, so direct either ‘*The Chief Constable of xxx Police or their designated alternative*’ or the ‘*lead officer in the case of xxx*’. It is advisable to make it very clear why this person is needed as in many cases, police witness statements, MG5 or CRIS reports will be sufficient.
- 14.40 If a prisoner is a care leaver, or may be subject to future care plan arrangements, there should be a care plan and/or pathway plan available. The COM should be directed provide an update on this if there is insufficient information about this. In some cases, the panel may wish to direct that the social worker attends as a witness to explain the proposed arrangements. Please refer to the Member Guidance on Children for further information.
- 14.41 For restricted patients in secure mental health settings, there are very specific requirements concerning witnesses. Please refer to the Guidance on Restricted Patients and the Mental Health Act for information relating to these cases.
- 14.42 In some cases, other individuals who are not witnesses may be required to attend the hearing. This may include interpreters or communication specialists etc. Their attendance may be necessary to ensure a fair hearing and that the prisoner is assisted to understand and participate fully in the proceedings and is not disadvantaged. The requirement for their attendance should be made clear in directions and within the key issues and reasons section of the template. Please see the guidance on Translations and Interpreters for more information.

Types of witness not usually called

- 14.43 Serving prisoners (other than the prisoner whose review it is) should not be called as witness at an oral hearing unless it is absolutely necessary and unavoidable. It is more likely that a panel would direct written evidence from another prisoner if it were deemed necessary.

- 14.44 Panels should carefully consider the need to call prison officers or other staff from a prisoner's previous establishment unless there is a specific incident they observed or a risk issue of which they are aware about which no-one else can comment and a written report does not suffice. Prisoners' security files are transferred with them, so former staff will no longer have access to the records. If an officer from a previous prison is needed, direct that they can attend by video or telephone as this will usually be proportionate to the extent of the evidence they can provide.
- 14.45 Caution may be needed when considering the attendance of the author of a report commissioned by the prisoner, which is not yet in the dossier. The prisoner can choose whether to rely on such an assessment and whether to make the report available to the Board. If the report is not submitted, the panel should not direct the author's attendance.
- 14.46 Children should not be called as witnesses. It would be difficult for them to gain access to a prison (where a face-to-face oral hearing is taking place) and they may be unable to comprehend the significance of the parole process. Arguably, it would be inappropriate in any circumstances, considering their well-being, reliability, and the possible impact of the proceedings.
- 14.47 Unless there are very exceptional circumstances, panels should not direct or allow the attendance of a victim or alleged victim as a witness, including victims who are family members or partners of the prisoner. Their attendance at a hearing will almost always be inappropriate as any information the panel needs can be obtained from other sources (such as the COM or the police) and the merit of the proposed attendance must be balanced against the need to protect the victim and their well-being.
- 14.48 This is the case even when the panel receives a request for a victim to attend an oral hearing as a witness and the victim has expressed that they are content to attend. It will be difficult for the panel to ascertain without putting the victim at risk of further harm that there is no coercion involved and that the victim is engaging of their own free will. Directing or allowing the victim to attend as a witness could also increase the risk of harm if the prisoner blames the victim for any outcome.
- 14.49 Where such a request is made, the panel may instead make it known in their directions that there is nothing to stop the victim from writing a letter of support to submit to the panel. It should be clear that the letter is **not** being directed, but if one is received the panel can explore the content at the oral hearing and attach relevant weight.
- 14.50 **A panel that is very exceptionally considering directing or allowing a victim to attend an oral hearing as a witness must first seek advice from the legal & Policy hub.**
- 14.51 If a prisoner or their representative has requested any other person (such as a family member or another person) to attend as a witness rather than an observer, the panel must direct that checks be conducted on who they

are, the reason for attendance, and the nature of the evidence they wish to give. Such applications may then be decided by the panel chair. If declining the request, panels should give a clear explanation in the directions template as to why. Such checks are normally conducted by the prison but with increasing use of telephone and video hearings, it is also necessary to direct that details be provided of:

- How the identity of a person who will be giving evidence remotely from an uncontrolled location will be confirmed by the panel on the day of the hearing?
- How it will be confirmed that they are not accompanied by someone who should not be present?
- How it will be confirmed that they are not recording the hearing?

Practicalities for witnesses

14.52 When setting directions for witnesses to attend, the panel should stipulate a named person (if known) with their job title so they can be readily identified. They should make sure the correct person has been nominated and not assume it will be the author of a report in the dossier because sometimes this will have been prepared by a sessional member of staff or a stand-in. If a name has not been given in the dossier, the panel should specify the role or job title clearly and make clear what sort of evidence is needed.

14.53 When deciding what type of oral hearing to direct, initially panels should consider whether witnesses can give evidence remotely via video (or telephone in few cases). **This should be the starting point.** Giving evidence via video is often as effective as attendance in person and provides leeway for witnesses' individual needs (such as caring responsibilities, disabilities, or travel limitations) which may be unknown at the MCA stage. Hearings can also be held face-to-face at the prison, or a combination of remote and face-to-face (a hybrid hearing). The panel should provide the rationale for which method the hearing is directed to take place on the template.

14.54 A prisoner or their representative can request the attendance of a particular witness, but the final decision will rest with the panel chair. At MCA stage, it is good practice to grant the application on the grounds of perceived fairness unless there are particularly strong grounds for refusing the request.

15 Oral Hearing Logistics

15.1 The final stage in building the oral hearing and completing the MCA directions template is planning operational arrangements, beyond witness and information requirements. **It is critical that the logistics are responsive to the individual circumstances of each case: there is no standard approach but there are starting points.**

15.2 The panel will need to consider the following:

Tier Listing

15.3 When directing an oral hearing, the panel must allocate the case to one of the following three tiers:

Tier 1

- Single-member panel.
- Duration of not more than two hours.

Tier 2

- Single or a two/three member panel (one of whom can be a specialist if required).
- Duration not exceeding three hours.

Tier 3

- Two or three-member panel (one of whom can be a specialist if required).
- Multiple witnesses.
- Duration exceeding three hours.
- Remote, Hybrid or Face-to-Face.
- Cases where the issues require considerable exploration.
- Only hearing listed before a panel on that day.⁸²

15.4 The panel should allocate the case to a tier based upon the required panel composition and estimated time duration (taking into account the facts to be considered, the level of detail in which they will need to be explored and the need for extra time due to the needs of the prisoner or a witness). Please see paragraphs 15.10 – 15.14 for further information. The panel is not required to predict the time that the oral hearing panel may need for pre and post hearing discussions and will determine the tier on the evidence that needs to be discussed. The oral hearing panel chair will consider the overall logistics of the hearing day including the timing for pre and post hearing discussions, any required breaks, and lunch.

15.5 The panel will determine the tier based on the information available at the time, but the tier allocated by the panel will be subject to review by the oral hearing panel chair when determining PCDs. If an oral hearing panel chair assesses that a case no longer fits into the assigned tier, they will be able to re-evaluate the circumstances and make a new tier allocation.

15.6 The factors set out at paragraphs 15.10 – 15.14 below will assist panels in determining which tier a case will most appropriately fit into. The factors listed are not an exhaustive list, they are for guidance purposes only and

⁸² From 1st December 2025, tier 4 no longer exists (those requirements have been merged into tier 3), and tier 3 hearings will no longer be followed by a tier 1 hearing.

should be applied flexibly to meet the needs of the case. Not all factors will be relevant or apply to every case.

- 15.7 Panels may find it helpful to consider how much weight is given to the relevant factors and the impact on the time required to determine which tier the case falls into e.g. factors may be weighted as low, medium, or high. How many low, medium, and high impact weightings are identified may assist the panel to decide to which tier the case is allocated.
- 15.8 Additionally, the weighting given to the relevant factors may not always fit with the typical features of a tier. One factor could attract a high impact requiring it to step up to the next tier, even if all other factors are assessed as low impact. Please see paragraphs 15.15 – 15.36 below which provides further explanation of the different tiers and the impact weightings that may be given.
- 15.9 Whilst case type, sentence, and review/recall details will be important to consider, it will not necessarily follow that similar cohorts will always fit into the same tier.
- 15.10 Panels should identify the key factors to contextualise the tier chosen for the case and should avoid generic terms such as “explore risks” or “examine the risk management plan”. This will allow the oral hearing panel chair to understand why the case was assigned that tier. This analysis is not required to be set out in the MCA directions; however, it may be useful to briefly explain how the assigned tier was arrived at. For example:

"This case has factors A, B, and C, which are low, but due to the high impact of D and E it falls into tier X."

Evidence Factors

- What level of complexity is the case and its evidence?
- Is there a significant volume of evidence to consider?
- Are the identified likely issues relatively limited or wide-ranging?
- Is there likely to be extensive questioning by the panel and parties which would take up considerable time?
- Are there many disputed issues?
- Are there historic or new allegations to explore, being mindful of the *Pearce* judgment?
- Is there an allegation (or allegations) that must be explored to enable the panel to make a finding of fact or to explore whether there is a serious possibility that an allegation is true?
- Are there different professional opinions presented?
- Is there more than one specialist report with different professional opinions?
- Will there be information presented not previously considered by the Board (for example where this is the first time the prisoner has come before the Board)?

Witness Factors

- How many witnesses are directed to attend?
- Are any specialist witnesses to attend?
- Are witnesses to attend remotely from a single or multiple locations?
- Is a witness to give evidence from abroad?

Prisoner Factors

- Is the prisoner unrepresented, represented by a lawyer, or represented by someone other than a legally qualified person?
- Is the prisoner particularly vulnerable, for example a child/juvenile or elderly, or do they have a disability, physical or mental health consideration or neurodiversity that suggests that they may need additional breaks or other adjustments or support (such as time to process and respond to questioning)?
- Are there communication considerations (is an intermediary, interpreter, signer or other communication specialist needed)?
- Are there religious or spiritual requirements to take into consideration? The COM reports include a section in which they can comment on a prisoner's ability to engage in an oral hearing. Both this and any prisoner or legal representations may be helpful with effective scheduling

Victim Factors

- Is a victim attending to read a VPS?
- Is someone reading the VPS on the victim's behalf and, if so, will this take place within CVP or before the hearing commences via MS Teams?
- Has a victim requested or been approved to observe (meaning that there may need to have open and closed sessions)?
- Is there multiple victim involvement?

Panel Factors

- Is it suitable for a single member panel?
- Are the number of witnesses and the level of questioning more suitable for a two-member panel?
- Are there complexities that require a specialist member on the panel?
- Are there factors that suggest a certain category of member is required?
- Does the complexity of the case require three members on the panel?

Other Factors

- Is a Secretary of State Representative attending the hearing in which instance, more time may be needed for witnesses to be questioned and submissions made?
- Do the likely key issues for the hearing remain too fluid to be identified precisely?
- Might additional breaks be required due to the circumstances?

- If the hearing is face-to-face or hybrid (some of the witnesses are attending in person), then arrival times and clearing security may affect timings?
- Is the hearing to be a public hearing?
- Will part of the hearing be closed, including in the absence of the prisoner?
- Is the case a noteworthy or TACT case that should be listed as the only case for the panel?
- Is this the re-listing of a case that was previously listed for an oral hearing, but which was not heard or completed, and extra time should be allowed to minimise the risk of the case not being completed?
- Are there any other factors specific to the case that may affect the timing?

The number of panel members

15.11 A panel usually comprises between one and three members, though very occasionally a fourth member is added. Panels need to consider the type of offence, the seriousness of the offence and the length of sentence in conjunction with other points noted below when determining the number of panel members required. **Panels should not make a determination based on the type of case only.**

15.12 The *starting point* for all panel logistics is a single non-specialist chair. Co-panellists should be added only when they are considered necessary in terms of role, or the number needed in a particular case to complete a proper risk assessment and determination. **However, the panel has discretion whether the case can be heard by a single member or necessitates two or three panel members.**

15.13 There is no restriction on the type of case which can be heard by a single member panel, but the following are examples of cases which are unlikely to be suitable for a single member hearing:

- The offence was of a particularly serious nature
- There has been an assessment of dangerousness
- The sentence length is a considerable amount of time for the type of sentence
- The risk-related issues are particularly complex
- The case is so finely balanced that one member might find it hard to make a decision alone or a two-member panel might be split in its decision-making
- There are several witnesses to question. In general, the more witnesses, the more likely additional panel members may be required.
- It is the prisoner's first Parole oral hearing
- The expertise of a specialist member is required to accompany the panel chair in order to help explore the key issues.

15.14 This list is not exhaustive but highlights the type of factors to be considered when deciding if a case is unsuitable for a single member. Where the panel do, however, decide that the case is suitable for a single member panel, clear reasons must be given.

Tier One Cases

- 15.15 Cases falling into tier one are likely to be where the issues to be explored at an oral hearing are narrow and clearly identifiable, where the evidence may be restricted to one or two key issues. Tier one cases would ordinarily have only up to two witnesses in addition to the prisoner and their representative (if they have one). However, this is not set in stone and a tier one case may have more than two witnesses.
- 15.16 There are likely to be no additional requirements in terms of adaptations or reasonable adjustments for the prisoner.
- 15.17 Tier one cases are likely to be held remotely.
- 15.18 A tier one case will require a single member panel. A two-member panel may be suitable in some circumstances, where they may bring some additional insight, but this will be unusual.
- 15.19 Tier one cases would mainly attract a “low” impact weighting for most of the factors.
- 15.20 It is expected that the Listing team will schedule three tier one cases on a hearing day i.e., each case is unlikely to last more than two hours.
- 15.21 In summary:
- Cases where the issues are narrow;
 - Single member panel in the majority of cases; and
 - Three cases could be listed per day.

Tier Two cases

- 15.22 Tier two cases would be those that are slightly more complex than tier one, perhaps requiring a more detailed analysis of the evidence, questioning of report authors, or exploring unusual circumstances. There may be between two and four witnesses.
- 15.23 There may be circumstances where the case would ordinarily fit into tier one but for other considerations, for example where reasonable adjustments are needed, the prisoner is represented by a non-legally qualified person, or other factors that would lengthen the proceedings, which make it more suitable as a tier two case.
- 15.24 Tier two cases could be remote, hybrid or face-to-face and so additional logistics will need to be considered, particularly where cases listed on a panel have different arrangements.
- 15.25 Tier two cases are suitable for either a single member panel or a two or three-member panel. One of the panel members can be a specialist if required.

15.26 Tier two cases would attract a “low” impact weighting for some of the factors and a “medium” weighting for others.

15.27 It is expected that the Listing team will schedule two tier two cases on a hearing day i.e., each case would last no more than three hours.

15.28 In summary:

- Cases where the issues do need some detailed exploration;
- Single or two or three-member panel; and
- Two cases could be listed per day.

Tier Three cases

15.29 Tier three cases are where there are multiple witnesses, that may include multiple psychologists, psychiatrists, and specialist evidence, or where there is disagreement in the opinions of witnesses that need to be explored. They could include high profile or noteworthy cases.

15.30 A Secretary of State Representative may be attending and will require time to present or offer closing submissions.

15.31 There may be a number of prisoner considerations which will impact on the time required including specific needs, reasonable adjustments etc. for example a translator or interpreter where proceedings may need to be paced more slowly or more breaks taken. There may be significant considerations in terms of the needs of the prisoner, perhaps including an intermediary or Litigation Friend, adapting communication style, taking breaks etc.

15.32 Tier three cases could be remote, hybrid or face-to-face and so additional logistics will need to be considered, particularly where cases listed on a panel have different arrangements.

15.33 These cases will most likely require a two or three-member panel and may include a specialist member.

15.34 Tier three cases may attract a “medium” impact weighting for some of the factors and a “high” weighting for others or all factors may attract a “high” weighting.

15.35 Tier three cases are likely to take all day, or longer, involve multiple witnesses; they may be held in public, take place in a secure hospital setting, or have other factors that will take considerable time to work through.

15.36 In summary:

- Cases where the issues require considerable exploration;
- The only case listed.

Panel composition and specialist members

- 15.37 Panels should consider how the expertise of a specialist member (a psychologist, a psychiatrist, either, or both) could enhance the panel's approach and what it could contribute to risk assessment and determination. Careful consideration should be given as to whether allocation of specialist members is warranted and whether a specialist member is needed to provide relevant help to interpret the information put before the panel in order to make a safe and fair assessment of risk.
- 15.38 The earlier the need for a specialist panel member is identified, the more likely one can be available and the chances of delay in listing the case can be reduced. Specialist members are in short supply and should, therefore, be deployed only to where properly needed.
- 15.39 For guidance on considering which specialist member may be necessary, please see the Specialists Reports Guidance.
- 15.40 While psychiatrist and psychologist members have specific knowledge and skills, there is more overlap than distinction in the areas which they can contribute to. In many cases, a psychiatrist or psychologist may be equally appropriate for the specific needs of a case, and simply specifying a 'specialist member' would be sufficient. If a Panel determines that a specialist member is required, they should first consider whether a direction can be made that either a psychologist or psychiatrist member can sit on the panel. This is an option in the template's drop-down menu. This then gives the Listings Team the flexibility to allocate an available member.
- 15.41 It may be appropriate to request a '**specialist member**' without specifying the discipline further, for cases when:
- There are mental health concerns or evidence of psychological distress with an identified or suggested link to the prisoner's risk of reoffending or harm, e.g., substance misuse, anxiety, depression or self-esteem issues, but these have not been such as to require transfer to hospital for treatment during the sentence nor does follow up mental health care need to be arranged ahead of release
 - Personality disorder or psychopathy has been identified or suggested and the Offender Personality Disorder Pathway (OPDP) will contribute to future management
 - There is a learning disability, developmental disorder/neurodiversity e.g. ASD, attention deficit hyperactivity disorder (ADHD) or brain injury
 - The case has complex or serious risks issues, e.g., the prisoner has exhibited a range of offending behaviour, offending involves multiple victim types or sadistic behaviour, motivation for the offence(s) is unclear and the prisoner denies some or all aspects of their offence
- 15.42 If the panel determines that the case requires a specific specialism, they should make a direction for a psychologist or for a psychiatrist member, as appropriate, to be allocated to the panel. This goes beyond simply

requesting a specialist member as the direction will state the required specialism (psychologist or psychiatrist).

15.43 It may be appropriate to request a '**psychologist member**' for cases when:

- There is current psychological evidence e.g., a psychological assessment, psychometric tests or psychology report which needs specialist interpretation (note that standard psychometric tests completed prior to or following an offending behaviour programme are unlikely to require interpretation). There are two or more differing psychological opinions e.g., a HMPPS-commissioned Forensic Psychologist or HMPPS-commissioned Forensic Psychologist in training (FPiT) report and a prisoner commissioned psychologist report
- In cases where there are questions with regards to a prisoner's response to interventions due to issues such as motivation to change, levels of psychopathy, personality disorder or learning difficulties
- **Panels should not routinely direct a psychologist member on the panel just because there is a psychological assessment in the dossier**

15.44 It may be appropriate to request a '**psychiatrist member**' for cases when:

- There are issues relating to the prisoner's major mental disorder such as schizophrenia, dementia and physical illness associated with ageing, which may have a bearing on risk
- During this sentence, the prisoner has been, or is currently, detained in hospital under the Mental Health Act⁸³
- Licence conditions are proposed which require involvement of specialist mental health services, for example in relation to continued specialist prescribing of depot medication or clozapine monitoring, or provision of section 117 aftercare
- Where there is current psychiatric evidence about the prisoner e.g., a psychiatric report or substantial evidence from a prison Mental Health In-reach Team (MHIT) which requires interpretation, or the Judge's Sentencing Remarks emphasise the importance of the pre-sentence psychiatric reports in determining sentence

15.45 A direction can be made for both a psychiatrist member and a psychologist member to be on the panel, but this is a rare exception.

15.46 In some cases where there are mental health problems, neither a psychiatrist nor a psychologist member is required. Although research studies have highlighted the prevalence of mental health difficulties in the prison population, in most cases where there is no history of specialist mental health treatment (as opposed to offending behaviour programmes)

⁸³ Prisoners within hospital are managed within the Mental Health member cohort and should not be included in MCA bundles. Please contact the MCA team if one of these cases is within an MCA bundle and seek clarification.

and the specialist assessments are limited to a PRA then a panel may not need to include a specialist member.

- 15.47 Panel members are expected to be competent in asking the author of a PRA to explain their assessment, to describe the inference regarding risk from the factors set out in the assessment schedule, to comment on the level of confidence on the assessment and to make a professional recommendation.
- 15.48 Panel members are expected to be competent in asking representatives of a Mental Health In-reach Team to comment on their contact with a prisoner, compliance with medication, and any links made with primary care (GP) services to continue the aftercare of a prisoner on common drugs for anxiety and depression which are usually managed in general practice.
- 15.49 Similarly, panel members are expected to be competent in asking authors of reports on substance misuse about the engagement of a prisoner with substance misuse services in prison, to comment on their commitment to addressing substance misuse difficulties and to advise on handover to community substance misuse services if appropriate.
- 15.50 When directing a case to an oral hearing that includes significant psychological, mental health, or substance misuse evidence, it is good practice to make explicit that the need for a specialist member has been considered by the MCA member. Use the template to record that EITHER a specialist member has been requested, OR that a specialist member is not considered to be necessary and provide reasons in either case. This may assist the panel chair in subsequent review of the dossier. More detailed information can be found in the Specialist Reports Guidance.
- 15.51 If after considering the above information and checking the Specialist Reports guidance, the panel is not sure whether or not specialist expertise is needed or the type of specialism required, advice can be sought from a specialist member. A list of contacts can be provided by the case manager and can also be found on SharePoint. Issues to consult on include whether or not a specific type of report is needed, how to word a direction for additional information, whether to direct a specialist member, whether a psychologist, psychiatrist, or either specialism is required, or (in a case where release on the papers is being contemplated and there are active mental health or welfare issues) the requirements of an RMP.

Judicial Chair

- 15.52 In very limited circumstances, a judicial chair may be required, for example where there are unusually complex legal arguments or untested case law. Noteworthy, high-profile and terror-related cases might at times be allocated to a judicial chair, but not on all occasions. These cases are managed by the specialist case management team within operations (please refer to paragraphs 16.26 – 16.29 for more information). Panels should provide their rationale for directing a Judicial Chair onto the MCA

template under the heading 'panel and tier rationale' within 'panel logistics'.

Deciding the format of the oral hearing

- 15.53 Initially, panels should consider whether a hearing can be held remotely via video (or telephone in few cases). Hearings can also be held face-to-face at the prison, or a combination of remote and face-to-face (a hybrid hearing). Many cases will be suitable for a video hearing, or a form of hybrid arrangement. When considering suitability, the panel should identify relevant issues from the dossier and take account of any representations which have been made by the prisoner or their representative. If a case is not suitable for a video hearing, clear reasons should be given in the MCA directions template.
- 15.54 Panels considering what form the oral hearing should take should ask themselves the following questions:
- If facts of the case are in dispute and need to be tested, does the panel need to see the visual reaction of the prisoner or witness to test those facts? If so, it may be appropriate to consider a video hearing
 - If the opinions in the psychological risk assessment are in dispute and need to be tested, does the panel need to see the visual reaction of the prisoner or witness to test those opinions? If so, it may be appropriate to consider a video hearing
 - If the significant explanation or mitigation is in dispute and needs to be tested, does the panel need to see the visual reaction of the prisoner or witness to test those facts? If so, it may be appropriate to consider a video hearing
 - If the panel considers that it does need to hear oral evidence, does the panel need to see the visual reaction of the prisoner or witness to properly hear that evidence? If so, it may be appropriate to consider a video hearing
- 15.55 When directing a face-to-face hearing, panels need to give their reasons why a face-to-face oral hearing is necessary when making that direction. If the panel accepts that the oral hearing could be by video, even though it would prefer a face-to-face hearing, it should be directed to a video hearing in the first instance. Panels should avoid directions that state if a face-to-face oral hearing is not available, a video hearing can be arranged instead.
- 15.56 In some cases, it might be appropriate to conduct a hybrid hearing. This can take place with some attendees being in person at the prison and others joining remotely.
- 15.57 The following is a list of factors that may mean that a remote or hybrid hearing is not suitable. This list is not comprehensive or prescriptive and each case must be considered on its merit:
- The prisoner (or a key witness) has a physical impairment or disability which might prevent full engagement with video or telephone

connections (for example, sight or hearing limitations, inability to sit or concentrate for long periods of time, or other factors which the panel may not be able to accurately interpret other than face-to-face)

- Serious mental health conditions which might prevent full engagement with video or telephone connections
- Cognitive problems, such as learning disabilities
- The panel wishes to see the interplay between the prisoner and the witnesses or between all witnesses in the room, or particularly between the prisoner and the COM who will be supervising the prisoner in the community
- Particular types of neurodivergent conditions such as ADHD or ASD.⁸⁴ Alternatively, for some conditions, a remote hearing may be more effective than face-to-face if it will be less intimidating for the prisoner⁸⁵
- Complex risk assessments and/or contested, disputed evidence
- Language or communication issues, including use of communication specialists, such as an intermediary⁸⁶, interpreter, or signer
- The prisoner is under the age of 18
- Individual needs of attendees at the hearing

15.58 It is important to consider whether the prisoner can properly participate in a remote hearing and, if not, whether a face-to-face hearing is required (bearing in mind the delay this may cause). The panel will also wish to consider issuing directions for an assessment to be carried out, which may be needed for the panel to understand how to facilitate participation in the hearing. This could include directing a needs assessment on, for example, speech and language. In a few rare cases there might be the need for a mental capacity assessment; for more information on this please see *Guidance on Mental Capacity Assessments and Litigation Friends*.

Witness and prisoner representative attendance – remote or in person?

15.59 In the majority of cases, witnesses will give their evidence remotely via video or telephone, unless they are based at the prison. This arrangement facilitates the availability of some witnesses for whom travel, or attendance, can be difficult, and allows them to undertake other responsibilities instead of spending hours travelling. There are budgetary implications too. **The presumption is that COMs and external psychologists will be permitted to participate remotely unless there is a good reason for their attendance in person.** Where a remote hearing is considered unsuitable and a face-to-face hearing is directed, witness requests to give evidence remotely for any reason will need to be considered on their individual merit. The panel chair has the final say in witness attendance and the means of participating.

⁸⁴ *Separate guidance has been produced on Neurodiversity.*

⁸⁵ *Panels should look for evidence of vulnerability in the dossier and how this is best managed. Where there is evidence of vulnerability but no specific reference to the prisoner's communication needs, panels may direct information from the POM and invite representations if there aren't any.*

⁸⁶ *Separate guidance has been produced on Intermediaries.*

15.60 It is beneficial for the prisoner's representative to attend in person, even if all other witnesses and the panel are attending remotely, as during the hearing the prisoner may wish to speak with their representative in private. These conversations can take place more easily if they are together at the prison. However, the prisoner's representative can attend remotely if they choose to do so.

The prisoner's needs and support

15.61 Consideration must be given at the MCA stage to the specific needs of the prisoner (or other witnesses) as notified or implied in the dossier. Panels must aim to ensure that any future panel has relevant information, that the review can proceed fairly, and that the prisoner is appropriately supported throughout the review where this is within the Board's powers. For example, panels may identify the need for further information about a reported disability. Prisoners who use a wheelchair (or other mobility aids) or who are bed-ridden should be clearly identified. The need for an interpreter or signer, or intermediary must be confirmed and highlighted: it is the responsibility of the Secretary of State through the prison or secure hospital to make arrangements but, if they are flagged well in advance of the hearing, this can reduce the risk of adjournments or deferrals to the case on the day.

15.62 Please refer to the Guidance on Protected Characteristics, Translators and Interpreters, Welsh Speaking Prisoners and Duties Regarding the Welsh Language, Children, Young Adults, Mental Health Act and Restricted Patients, Mental Capacity Assessments and Litigation Friends, Intermediaries and Neurodiversity for more information.

15.63 Other issues to consider include:

- Practical adaptations may be needed to enable a prisoner to participate fairly
- The prisoner's physical health and well-being (for example, a person with diabetes may need food at regular intervals or someone on medication may need breaks to take medicine and to help maintain concentration)
- The prisoner's mental health and capacity to take part in the hearing
- Religious requirements (for example, timings of the oral hearing may need to consider the needs of a Muslim prisoner observing Ramadan or Eid)
- Vulnerable prisoners, for example, a child/juvenile or elderly, or prisoners with disabilities, physical or mental health consideration or neurodiversity⁸⁷ and time implications if, for example, questions need to be broken down into smaller sections to aid the prisoner's understanding; reasonable adjustments may be required in accordance with the Equality Act 2010
- Requests for personal support from an observer or member of prison staff

⁸⁷ Please see *Vulnerable Prisoners* page on SharePoint

- Any reason the prisoner or other participants may need to take breaks
- Considering any need to support the prisoner to prepare for the oral hearing, such as support to read the dossier or the dossier being printed on a particular-coloured paper or larger font

15.64 This list is not exhaustive, so it is essential that the dossier evidence is carefully reviewed for any relevant factors which could affect the prisoner's ability to participate in the oral hearing fully and consistently.

The Secretary of State and Secretary of State Representatives

15.65 The Secretary of State is a party to the proceedings. Secretary of State officials (for example the COM and POM) will attend an oral hearing as witnesses to give evidence. They do not attend as a representative of the Secretary of State but are there to present evidence to the panel.

15.66 Where considered appropriate, the Secretary of State may choose to submit a view on the prisoner's suitability for release. Where an overarching Secretary of State view is provided, the Secretary of State will be represented at an oral hearing by either a Secretary of State representative or legal Counsel. They may ask questions of the witnesses and the prisoner and express a view to the panel.

15.67 In most hearings, no Secretary of State Representative participates unless the case is high-profile, terrorist/terrorist-connected or noteworthy for some other reason. These cases will be selected by the Secretary of State, taking account of advice from officials, applying the following criteria:

- a) The nature and characteristics of the offending are particularly severe and risks damaging public confidence if the prisoner were to be released (e.g. where the victim(s) was a child or vulnerable, or cases with a sadistic or predatory motivation)
- b) Cases involving multiple victims or where there was a history of serious offending, indicating a pattern or escalation of such offences
- c) Where the gravity of the offending behaviour indicates that, if further such offences were to be committed again, the level of harm to the public would be particularly grave
- d) Where a case raises issues in relation to victims' confidence more broadly in the parole system

15.68 Where a view on the prisoner's suitability for release is submitted, either a Secretary of State Representative or legal counsel will articulate in a formal submission, and it will be added to the prisoner's dossier.

15.69 In such cases, a Secretary of State Representative or counsel will attend the oral hearing. If a case appears to fit the above criteria and it is unclear from the dossier whether the Secretary of State will be submitting a view or sending a representative to the hearing, confirmation can be sought.

15.70 At the MCA stage, it may not be clear whether a Secretary of State view will be submitted. **Under no circumstances should the panel issue an explicit direction that such a view be provided.** However, a direction

can be made to confirm whether the Secretary of State wishes to present a view. The Secretary of State can then decide how to proceed.

Victims

15.71 If a VPS is submitted and available, the panel should consider:

- Requests for non-disclosure
- Whether the VPS contains information that relates to risk⁸⁸
- Whether the VPS contains information that is inappropriate and needs to be removed from the statement.

15.72 **If a VPS is indicated but not available in the dossier, the panel should set directions seeking clarification. A case should not be concluded without sight of the VPS, or confirmation that a VPS is not going to be submitted.** A victim **must** have the opportunity to have the statement considered by the panel.

15.73 There are standard directions and text generated on the template for all MCA directions (direct to oral hearing) to assist ascertaining any victim involvement in the parole process.

15.74 The panel should check whether a victim has requested to read a VPS themselves or have it read out on their behalf at an oral hearing. The Board adopts a policy whereby there is a presumption that any requests from a victim to read their statement to the oral hearing panel will be agreed. If so, this request needs to be noted in the quick fill section of the directions template, even though standard text is part of the document. It should be made clear in the directions form that the decision to allow the victim to read their statement is provisional and will be reviewed by the panel chair. Without disclosing the reasons, dates to avoid for the victim should also be included if provided (such as birthdays or the anniversary of the index offence). In the majority of cases, the victim will attend remotely and read out their VPS via MS Teams. In some instances, the victim may wish to attend the prison in person, and this can be considered, but should not dictate how the parole proceedings should be managed.

15.75 When a victim chooses to read a VPS to the panel in person or by telephone or video, a VLO will assist them.⁸⁹ Alternatively, the victim may ask someone to read their statement out on their behalf. This will normally be the VLO, or another nominated person (usually from the prison). Neither the VLO, or nominated person, nor the victim will be present during the substantive parole proceedings unless a request for them to observe has been approved.⁹⁰ The panel and panel chair should **never** direct that a victim attends the hearing or that a VPS is read out to the panel.

⁸⁸ Please refer to the *Guidance on Victims* for more information.

⁸⁹ The Victim Representative will attend to support the victim in victim observed hearings.

⁹⁰ Panels should highlight to the case manager any case where a victim has requested to observe.

15.76 The panel may also need to consider applications from the victim to observe. Panels are reminded that there is a presumption to approve such applications. It should be made clear that a decision to approve such an application is provisional and will be reviewed by the oral hearing panel chair. Detailed guidance is provided in the member Guidance on Victims.

Expediting or prioritising an oral hearing

15.77 The starting point for most cases is that they are listed routinely following the Board's Listings Prioritisation Framework. The exceptions to routine listing are cases where:

- The prisoner is in a secure hospital setting or mental health unit
- It is the prisoner's first review after discharge from a Mental Health Tribunal and they have been returned to prison
- The prisoner is under 18 years old

15.78 These exceptions should be prioritised for listing on the MCA Directions form. There are formal Parole Board policies setting out these requirements. The relevant policies can be found on the Table of Options document within the Types of Cases guidance.

15.79 **Prioritising** a case is asking the Listings Team to make every effort to schedule the case in the *next* listings exercise.

15.80 **Expediting** a case is asking the Listings Team to make every effort to list the case *as soon as possible* and perhaps with a freshly commissioned panel at short notice. Expediting a case may not always be possible due to witness, member, or prison availability and a priority direction may be more advantageous to a timely listing. Furthermore, a decision to expedite an oral hearing for one case may require an existing listed case to be removed to make way for the expedited case.

15.81 Both routes have significant consequences for other prisoners when their reviews might be unfairly delayed, to allow for the prioritised or expedited case, despite their cases having similar merits. Another prisoner's hearing may have to be stood down from a month's listing to allow the review of an expedited or prioritised case. The processes of prioritisation, and especially expedition, also have considerable resource implications for the Board and the parties.

15.82 The panel must decide whether circumstances are sufficiently exceptional to warrant a case being given a higher priority in the listings process. The panel should, therefore, first consider whether it would be more appropriate to prioritise a case before considering if an expedited listing is warranted. They must be specific on whether they are asking for a case to be prioritised or expedited with clear reasons being given.

15.83 Examples of when prioritising would be appropriate include:

- A case has been adjourned/deferred once or several times before and the prisoner's review unfairly delayed (through no fault of their own)

- Serious concerns over the prisoner's mental health

15.84 Examples of when prioritising or expediting would **not** be appropriate include:

- A determinate recall prisoner has less than 26 weeks until their sentence is due to expire
- Requests for prioritisation solely on the grounds of positive report assessments
- A member or witness could not attend the oral hearing due to illness

15.85 Examples of when expedition could be appropriate:

- Terminal illness/compassionate release
- The original decision is the subject of an order for reconsideration or has been quashed by the High Court
- Compassionate reasons relating to close family members
- An automatically prioritised case has exceptional circumstances for which an urgent decision is critical
- A case that has been significantly delayed due to Parole Board administrative errors⁹¹

15.86 Please refer to the Duty Member Activities Guidance for further guidance on expedition/prioritisation and for guidance on recommending early release on compassionate grounds (ERCG).

'Ready to List'

15.87 There is a tab on the quick fill on the directions template to indicate whether the case is 'ready to list'. This requires a yes/no response. The rule is that any case that will be ready to hear within the next three months is ready to be listed (because the Listings Team usually operates three months ahead). Any case which is likely to take longer than three months to be ready to hear for any reason is "not ready" to be listed.⁹² In such a case, the panel should select no to the question of whether the case is 'ready to list' and then complete the not-to-be-listed-before calendar on the directions template which indicates the date that the case is not ready to list until after.

16 What do I do when faced with...?

16.1 This section deals with specific issues that the panel may face, whether they are common or less so. Even experienced members encounter features of cases not met before and will seek advice from colleagues, the Legal & Policy hub, and the MCA Guidance. This section cannot cover all eventualities but is a guide as to what to consider and how to get more assistance.

⁹¹ High Court judgment in *Adams v Parole Board for England and Wales* (2022).

⁹² The panel will deem whether the case is ready to list.

No accommodation for a prisoner who could otherwise be released

- 16.2 Under section 139 of the Police, Crime, Sentencing and Courts Act (PCSC) 2022, panels can only direct 'release' without specifying a date or timescale and cannot direct a release 'subject to' conditions. Following a release decision:

"The Secretary of State must give effect to the direction of the Parole Board as soon as is reasonably practicable in all the circumstances including, in particular, the need to make arrangements in connection with any conditions that are to be included in the person's licence."

- 16.3 Following a direction from the Parole Board for release, the release should not take place until all elements of the agreed risk management or release plan are in place. The panel must not direct release 'subject to' the availability of accommodation (or any other element of the plan).
- 16.4 A lack of confirmed accommodation plans may impact on the panel's assessment of whether the CPPT is met. Release decisions cannot be conditional. If the panel assess that the CPPT cannot be met without confirmation of a suitable address, or a suitable type of accommodation (for example supported accommodation) one option is to adjourn the case for the COM to confirm the plans. Panels may also wish to ask the COM to confirm whether the homeless prevention team is engaged. If, after an adjournment, a suitable address/type of accommodation cannot be confirmed, the panel will need to consider the possibility that if they direct release, the Secretary of State could release the prisoner with no address. The panel must then assess whether the CPPT is met and only direct release if they are satisfied it is met without a release address in place.⁹³
- 16.5 In some cases, the structured environment, support, and supervision of an AP may be considered necessary to manage risk but residence at a specific AP due to its location or the services/regime it provides (for example, PIPE), is not considered necessary. In such cases, whilst there may not be a confirmed release address, the panel may consider directing release to a suitable AP as this provides the Probation Service with flexibility to find a suitable bed at the earliest opportunity.
- 16.6 Under the AP model for referral and placement, cases will not be matched to an AP until a direction for release is made. **Therefore, panels do not need a guarantee about which AP will be available before directing release to an AP.** If the individual has been assessed as suitable for an AP and the panel assess that the test for release is met, the panel can direct release. The Central Referrals Unit will aim to find a placement within 6 weeks of the release decision, and it is up to the Secretary of State to release the prisoner once a place at a suitable AP has been found. This would be prioritised as with all other Parole releases.

⁹³ If panels need any advice on a case they are considering, they should contact the Legal & Policy hub.

- 16.7 Once the Parole Board have directed release, it is expected that any changes to the RMP (including accommodation placement) would be communicated to the Board. This would enable the Board to consider a licence variation or to set aside the decision.
- 16.8 More information can be found on the Approved Premises SharePoint page.

Using security intelligence

- 16.9 This may need to be treated in a similar way to discontinued criminal charges and allegations in that the panel may need to make a finding of fact. Due to the sensitivities of such information, there may be an NDA to be decided; if so, a short adjournment must take place to allow for the NDA to be concluded. If the case is directed to an oral hearing and there is significant security intelligence, the panel may wish to direct attendance of the prison's Security Governor or similarly, in the case of police intelligence, the Chief Constable or their designated alternative. Such a direction will enable the prison or the police to identify the most appropriate witness if an individual has not been named in the dossier.
- 16.10 Reliability ratings should be supplied. The HMPPS policy framework on Handling of Sensitive Information, Including Information Provided by Victims, for the Purpose of Parole Board Reviews⁹⁴ states:
- "5x5x5 codes must not be shared with the Board in order to prevent the inadvertent disclosure of sources and/or exposing information from Police or Law Enforcement Agencies. However, if the Board directs them, they must be provided. Where there are concerns about disclosure, all HMPPS staff should follow the non-disclosure process".*
- 16.11 If a panel considers that a 5x5x5 grading is necessary to properly understand the information, then they can direct that they be provided. However, panels should be aware that such a direction will most likely result in a rule 17 application.
- 16.12 We anticipate that in the vast majority of cases the prisoner will have enough information to properly engage with their Parole process if they are told whether the reliability is 'High', 'Medium', or 'Low'.⁹⁵ If those ratings can be disclosed then it will often be unnecessary to disclose the 5x5x5 gradings themselves to the prisoner, and the rule 17 application can be resolved on this basis.
- 16.13 However, for Terrorism/Noteworthy cases managed by the PPCS National Security Casework Team, the OPEN gist for any security intelligence subject to non-disclosure will usually not disclose the high, medium and

⁹⁴ [Handling Sensitive Information Policy Framework - GOV.UK](#).

⁹⁵ See paragraph 5.5.9 of the [Handling Sensitive Information Policy Framework - GOV.UK](#)

low rating to the prisoner. This information will be subject to non-disclosure and only the panel and the legal representative (upon providing an undertaking) will see the rating.

- 16.14 If panels think that they have an exceptional case where the prisoner needs to see the 5x5x5 gradings then they should contact the Legal & Policy hub.

Prisoner sentenced under earlier legislation

- 16.15 Very rarely will a panel come across one of these cases. The terms of the referral say under which legislation the prisoner was sentenced and will make clear what the panel is being asked to do by the Secretary of State. The panel can contact the Legal & Policy hub for guidance but the same CPPT, as set by Parliament, applies and the approach at MCA stage is essentially the same as in other cases.

Further information or Late Representations submitted after a decision has been issued

- 16.16 In some circumstances, information may come to light following the MCA decision being issued. This can also include late representations where the prisoner could not or did not make representations, or alternatively, even if representations were prepared, they might not have been available to the panel because of administrative difficulties or because they did not arrive in time before the decision was made at the MCA stage.
- 16.17 Once the decision has been issued to all parties, the decision cannot be re-opened as the Board is *functus officio* in respect of MCA and there is no provision in the Rules to allow that decision to be re-taken.
- 16.18 Further information or representations that were not put before the panel prior to the case being panelled may only be considered by the panel if the panel agree to this **and** the decision has not yet been issued.
- 16.19 The only way for representations or further information to be considered by the Board once an MCA decision has been issued are via the following:⁹⁶
- The prisoner can apply for an oral hearing (under rule 20)⁹⁷
 - Reconsideration (if eligible)⁹⁸
 - Apply to set aside the decision⁹⁹
 - Judicial review

⁹⁶ The VAP Act 2024 introduced a new power for the Secretary of State to direct the Board to refer the Prisoner's case to the High Court following a Parole Board release decision for certain prisoners. Please refer to paragraphs 11.69 – 11.71.

⁹⁷ Please refer to the Duty Member Activities Guidance for further information.

⁹⁸ Please refer to the Reconsideration guidance for further information.

⁹⁹ Please refer to the Setting Aside a Decision Guidance for further information.

- 16.20 Please note that none of these functions are undertaken by the panel.
Should such a request be received, please pass this onto the case manager who can send to an appropriate duty member.

Combining reviews

- 16.21 In some circumstances panels may need to consider combining reviews where there are two active referrals for a case. The decision about combining reviews is wholly a matter for the Board but either party can make a request.
- 16.22 Combining reviews can be a way to deal efficiently with circumstances where the Secretary of State has made two referrals at different times, but the reviews overlap.
- 16.23 It may not be immediately apparent that two referrals have been made until a detailed review of the dossier is undertaken. Panels may need to seek clarification from PPCS, via the case manager about this. Where it is confirmed that there are two referrals, the panel will need to determine which review is the furthest advanced and if combining them is appropriate. For example, it may be that the matter needs to be deferred to an existing oral hearing panel chair. More information about combining reviews can be found in the Duty Member Activities Guidance.

Stakeholder Response Forms (SHRF)

- 16.24 During the MCA review, either party may submit new or additional information or requests via a SHRF. All requests should come on an SHRF which has a section for the Board's response.¹⁰⁰ Before the Board receives the SHRF, the parties (Secretary of State (via PPCS) and the prisoner/their representative) will have been provided with the opportunity to provide their views. Any views/representations will be included in the SHRF. If it is unclear whether either party has been given the opportunity to submit representations, the panel may wish to seek clarification from the case manager.
- 16.25 The panel will occasionally receive an SHRF with requests or enquiries after the MCA directions have been issued. These may be requests for variation or a revocation of specific directions. Other queries might include questions from witnesses, report writers or the prisoner's representative. The panel is required to retain downloaded dossiers for four weeks after the panel date and will be responsible for responding to the SHRF. An SHRF arriving after this time will be dealt with by a duty member.

Terrorism / Terrorism-connected prisoners

- 16.26 Terrorism and terrorism-connected cases are considered by members of a specialist cohort and are managed by the Specialist Case Management

¹⁰⁰ Unless there are exceptional reasons not to (if so, seek advice from the Legal & Policy hub) the panel member's name should be added to the SHRF prior to it being sent back to the case manager to issue.

Team within the Operational Development Hub in the Secretariat. If a non-TACT specialist panel receives such a case, or if any member considers that there is information in the dossier which may indicate the case needs to be reviewed by a TACT member and it is not currently managed by the Specialist Case Management Team, they should contact the Specialist Case Management Team immediately.

High profile Cases

- 16.27 High profile cases should have already been identified as such by the Secretariat and will be managed by the Specialist Case Management Team within the Operational Development Hub. If a panel is considering a case which they believe may be of particular interest to the public or press or is otherwise noteworthy (nationally or regionally) and which has not been flagged as such, the panel should contact the Specialist Case Management Team.

Power to Detain (PTD) Standard Determinate Sentence Cases

- 16.28 The power for the Secretary of State to refer high-risk prisoners to the Board, in place of automatic release at their CRD, is set out in Section 132 of the PCSC Act 2022. Power to Detain Standard Determinate Sentence cases are managed by the Specialist Case Management Team within the Operations Hub at the Board and will be allocated on an individual basis in the same way as terrorism/terrorism-connected, noteworthy, and mental health cases. They should **not** be included in regular MCA Bundles; **if a panel receives such a case in their regular bundle, they should contact the Specialist Case Management Team immediately.**
- 16.29 PTD cases fall within the eligibility criteria set out in rule 28(2)(c) and are therefore eligible for reconsideration. This is because once the PTD decision is made, the prisoner's initial release will be at the Board's direction.