

Duty Member Activities Guidance

September 2026 (v4.0)

Document History

Document version	Date of Issue	Revision description
1.0	07.07.2020	This guidance was created as part of the Parole Board's project to launch fully revised and updated member guidance.
1.1	11.02.2021	Paragraph 5.8.1 to 5.8.13 has been amended to include guidance on requests for additional licence conditions in EDS/SOPC cases. Paragraph 5.13.1 to 5.13.24 has been amended to include guidance on applications to reduce the reconsideration application time limit. The duty member activity table has been expanded to reflect the above revisions.
2.0	11.08.2022	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 transfer of indeterminate sentence prisoners to open conditions • The Parole Board Rules 2019 (as amended) • The review of the Parole Board's paused policies.
3.0	31.01.2025	The guidance has been updated to reflect the changes following: • The Victims and Prisoners Act 2024 • The Parole Board (Amendment) Rules 2024 • Probation Reset.
4.0	08.09.2026	The guidance has been updated to reflect the changes following: • The Parole Board (Amendment) Rules 2025 • The Sentencing Act 2026 • The Parole Board (Amendment No.2) Rules 2026.

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- Judgment in the case of *R (Hanson) v Parole Board for England and Wales* [2026] EWHC 1723 (Admin)
 - Judgment in the case of *R (Newlove) v The Parole Board and the SSJ* (AC-2025-LON-0005562026)
 - Removal of section on Set Aside and varying time limits
 - Other policy and practice changes

The key revisions are set out in the Table of Changes.

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1 Purpose of this guidance

- 1.1 This guidance explains the options open to a duty member when dealing with requests from either the Secretary of State or the prisoner (the parties). Its coverage cannot be exhaustive because a duty member must sometimes expect the unexpected. However, key principles underpinning the handling of common requests can be extended to new situations. Much of the work draws on a duty member's experience of sitting as a Member Case Assessment (MCA) panel and as a panel member at oral hearings.

2 Key requirements

- 2.1 The duty member powers are governed by the Parole Board Rules 2019 (as amended)¹ ("the Rules").
- 2.2 To complete duty member tasks, members must have all the Microsoft (MS) Word templates installed on their Parole Board laptop. Any updates made to these templates will be automatically uploaded to member Parole Board laptops.
- 2.3 In Word, the duty member needs to use "Create New" to navigate to "Duty Member Form" and then select the most appropriate option from the drop-down menu:
- Duty member directions
 - Duty member licence condition variation request
 - Duty member directions variation request
 - Duty member oral hearing request
 - Duty member non-disclosure application
- 2.4 Most tasks undertaken by the duty member can be completed using one of the above options on the Duty Member Form. Alternatively, some decisions may be recorded using the response section of the Stakeholder Response Form (SHRF) in which the Public Protection Casework Section (PPCS) or the prisoner (or their representative) submit queries or requests about a case. However, compared to the SHRF, the Duty Member Form allows greater detail and precision in recording directions and the reasons for the decision. **Care should be taken not to create 'new directions' for reports or witness attendance using the SHRF response section, as these do not automatically update to PPUD.**
- 2.5 The duty member is not sitting as an MCA panel. However, the MCA Directions template should be used if directing to an oral hearing or deferring a case. This is because the MCA directions template has more functionality for issuing directions than the Duty Member Form.

¹ Please note the Parole Board Rules have been amended several times, most recently in February 2026. References to the Rules in this guidance take account of this.

- 2.6 There may be occasions where a duty member will need to write a decision to conclude a review after it has been directed to an oral hearing (under rule 21). In these instances, the paper decision template should be used. In Word, "Create New" to navigate to "Paper Decision" and select "Post Member Case Assessment (MCA)" from the drop-down menu.
- 2.7 Occasionally, the outcome of a task may require that an email message be provided to the case manager which does not require using one of the templates or SHRF, but in most situations, the preference is to have a documented form that can be uploaded to the parole dossier.

3 Eligibility and expectations

- 3.1 To be eligible to complete the duty member training, a member must:
- Be MCA accredited and have:
 - a) completed a minimum of 60 MCA cases, with at least 30 MCA cases completed within the 12 months preceding Duty Member training;
plus
 - b) completed at least 20 cases at oral hearing (in any role on the panel), within the 12 months preceding Duty Member training; and
 - c) no outstanding performance issues.
- OR
- Be an accredited oral hearing panel chair and have:
 - a) completed a minimum of 40 oral hearings, with at least 20 completed within the 12 months preceding Duty Member training; and
 - b) no outstanding performance issues.
- OR
- A combination of either of the above, demonstrating an equivalent frequency and regularity of completed cases.
- 3.2 To undertake duty member work, a member must hold MCA accreditation and meet the above eligibility criteria in order to commence *Duty Member accreditation*. The member will first need to complete a duty member e-learning module and then co-work a minimum of two duty member days alongside an experienced duty member.
- 3.3 Upon conclusion of the second session, or any subsequent shadowing sessions as required, the duty member and duty member-in-training complete a "Joint Feedback Form". The experienced member should indicate if the duty member-in-training is ready to attain accreditation and proceed to undertake duty member work without assistance.

- 3.4 Upon completing the shadowing requirement, the member should indicate days available for duty member work. The member should complete the monthly availability system on the Web Access Module (WAM) in line with providing MCA and oral hearing availability. WAM needs to be updated with current availability and updated in a timely manner, should it change. The Workload Allocation Team is responsible for allocating duty member days by date in the rota.
- 3.5 A duty member may indicate preferences for working at the Parole Board's office in London or remotely at home on particular days. If a duty member prefers to work from the London office at 10SC, a room may be booked (for privacy purposes) although there is usually sufficient desk space in the open plan area. The duty member should contact Member Engagement in advance if they require a room and arrangements to be escorted from reception put in place.
- 3.6 The duty member will be paid a day rate (based on a seven-hour day) or an hourly rate for ad hoc work, irrespective of whether they work remotely from home or in person at the Parole Board office. Fee rates can be found in the Parole Board Member Administrative Policies and Processes (MAPP).² A duty member can claim travel costs and subsistence when working from the London office. If the duty member works less than a full day, there is an hourly rate, however, the expectation is that the duty member will be available for the full seven-hour day.
- 3.7 If the allocated work is completed before the end of normal working hours, the duty member should request further work by emailing the duty member inbox. There may be urgent requests that need to be dealt with, or additional cases which can be allocated. This helps the Parole Board to fully utilise the time offered by the duty member.
- 3.8 If a member finds they are unable to do a day that they have been listed as a duty member, they must notify the Workload Allocation Team at the earliest opportunity. Withdrawing at a late stage can have significant impact. If a replacement member cannot be found, urgent work will be delayed, and caseloads may increase for other duty members on subsequent days.
- 3.9 The duty member is expected to respond to case managers raising issues on the day. All communication with case managers will be via the duty member inbox.
- 3.10 The duty member on their allocated working day is also a resource to other members who may require advice about the handling of Parole Board cases. The names of the members assigned each day to duty member responsibilities are published weekly on *SharePoint*.
- 3.11 A duty member must activate MS Teams on their laptop and keep it turned on all the time they are on duty.

² The fees guidance can be found here: MAPP.

- 3.12 The duty member is assigned a caseload by OneDrive link. Cases should be downloaded to their Parole Board laptop where they will review materials and draft decisions. At the end of the working day (or as they go along), their decisions must be emailed as Word documents to the duty member inbox.
- 3.13 A duty member is expected to work through the caseload assigned to them on OneDrive. This will comprise cases of differing lengths and complexity. The duty member should take each case in turn, unless asked to work in a specified order of priority. Cases marked urgent must be dealt with and submitted first.
- 3.14 If the duty member does not complete the full caseload for their allocated work, they must notify the Workload Allocation Team of the cases they have been unable to complete when submitting work to the duty member inbox.

4 Responsibilities and practicalities

- 4.1 The role of the duty member is to deal with requests from either the Secretary of State or the prisoner that fall outside routine MCA and oral hearing processes. The original MCA panel must retain responsibility for cases for 28 days after the MCA panel date, to deal with queries or issues arising from it. **The duty member will only pick up tasks after the 28 days, or, where the original MCA panel is not available, during the 28 days.**
- 4.2 Where an oral hearing has taken place, the panel chair should similarly retain responsibility for 28 days. **Outside this period, if the oral hearing is eight or more weeks away, or the panel chair is not available, the duty member will be tasked to determine matters or direct actions.**
- 4.3 Duty member tasks can arise at any point in a prisoner's review or where they are in the community on licence.
- 4.4 It should be noted that **the Board has no power to act until a referral or request has been made by the Secretary of State.** The Board cannot act on its own initiative. The duty member should check that there is an active referral or request from the Secretary of State. For some tasks, an active referral is not required, however, a request from the Secretary of State is still needed (usually on an SHRF).
- 4.5 The most common types of requests and options open to the duty member are set out and explained from section five onwards of this guidance. They are summarised in the table found in section 20.
- 4.6 It is good practice for a duty member decision to open with a sentence such as:

"The duty member has considered the request from [insert name] for [insert detail] in this case..."

This helps to identify to recipients that the decision was made by the duty member rather than by an MCA panel or an oral hearing panel chair. The duty member should also indicate the number of pages in the dossier (where provided) and the nature of any additional information made available to them.

- 4.7 When referring to earlier directions, detail the directions being referred to and use italics when quoting previous directions verbatim. Do not state "*as per the previous directions*". This removes the need for future recipients having to locate the previous directions and avoids any potential confusion.
- 4.8 The duty member may over-write the suggested opening sentence that appears in the Duty Member Form if it does not fit the circumstances of the request.
- 4.9 **However, the standard paragraphs for decisions in the Duty Member Form drop-down option for non-disclosure applications must not be amended.**

5 Request to opt out of the parole process

- 5.1 The duty member may receive a request from a prisoner to opt out of their parole review. It is a common misunderstanding amongst prisoners that they can do so. Whilst a prisoner may decide not to participate in their parole review, the Board is still under a duty to complete the review.
- 5.2 In responding to the request, the duty member must first explain that a request to opt out will not stop or vacate a parole review, which legislation requires to be completed. However, a decision by the Parole Board may be made without further participation from a prisoner who does not wish to engage, or an oral hearing may be held without such a prisoner being present. The duty member must ensure there is clear evidence of this being a considered rather than an impulsive request by seeking confirmation of the position from a representative or, if the prisoner is not represented, a signed confirmation from the prisoner via the prison Offender Management Unit (OMU). However, the duty member should bear in mind that the prisoner is entitled to make a decision not to participate, even if that is not in their best interests.
- 5.3 This is set out in rule 23: Notification by prisoner.

23 (1) A prisoner must notify the Board and the Secretary of State if—

- a) the prisoner does not want a panel at an oral hearing to consider the case, or*
- b) the prisoner does not want to attend an oral hearing which has been listed.*

- 5.4 If the case has not yet been through MCA, the duty member should direct that it be added to the MCA queue and highlight that the prisoner has decided not to engage.
- 5.5 If the case has been through MCA and been directed to an oral hearing, the duty member will need to decide whether the review can now be concluded on the papers under rule 21 or if an oral hearing is still necessary. In deciding how to proceed, the duty member must take account of the principles set out in the case of *Osborn, Booth & Reilly [2013] UKSC 61 (OBR principles)*.³ Please refer to the *MCA Guidance* for more information.
- 5.6 If the duty member decides to conclude the review on the papers, they should remember that there are three stages of decision making under rule 21. More information about this is set out in section 13 for concluding a review under rule 21.
- 5.7 If the duty member decides that an oral hearing is still required, they should use the Duty Member Form to set appropriate directions.
- 5.8 **The duty member should be mindful of any victim engagement.** A victim can make a request to attend an oral hearing to read out a Victim Personal Statement (VPS) or observe the proceedings. This should not be a reason to direct an oral hearing, but if the oral hearing is to go ahead in the absence of the prisoner, then consideration of any request from a victim will need to take place.
- 5.9 The panel can still benefit from hearing the VPS read out to them. If a victim has been granted observer status, it is up to them whether they wish to observe any hearing. The victim will not hear from the prisoner but may be able to listen to other witnesses and to hear any representations made by representatives. It is up to them to decide if they wish to continue observing. More information about victims and oral hearings can be found in the *Guidance on Victims*.
- 5.10 There are cases where a prisoner who wishes to opt out of the parole process may be vulnerable through mental health difficulties or guided by other factors and concerns. **Rather than accept a vulnerable prisoner's request at face value when determining how to progress a review, the duty member should take into consideration the possibility that this request may not be in the best interests of the prisoner.**
- 5.11 A prisoner has the right to make decisions that are against their own best interests, but where one is vulnerable the duty member should be more cautious about the request.
- 5.12 In such a case, the duty member may also propose that the Prison Offender Manager (POM) or another member of prison staff should advise the prisoner of the benefits of obtaining representation. In some cases,

³ *Osborn & others v Parole Board [2013] UKSC 61.*

there may already be a representative instructed, in which case they could be asked to explain to the prisoner the merits of engaging in their parole review. There may be other considerations with such cases such as mental capacity concerns, communication needs, or other barriers that may not be initially obvious.

- 5.13 Where an oral hearing is directed it can be held in the absence of a prisoner who declines to attend. This is set out in rule 24: Oral hearing procedure:

24(1A) An oral hearing may take place in the absence of a prisoner, or the prisoner and the prisoner's legal representative, where the panel chair considers it is in the interests of justice.

6 Request to defer a parole review

- 6.1 The duty member may receive a request from PPCS (on behalf of the Secretary of State) or the prisoner (directly or through their representative) to defer a parole review.

- 6.2 The duty member is able defer a parole review under rule 6: Case management and directions:

6(11) The panel chair or duty member may adjourn or defer the proceedings to obtain further information or for such other purpose as they consider appropriate.

- 6.3 Before considering the request, the duty member should ascertain if the case has been directed to an oral hearing and, if so, check with the Listings Team whether a date has already been set within the next eight weeks. If an oral hearing is to take place within the **next eight weeks**, the case manager should be asked if there is a reason the request has not been sent to the appointed panel chair.
- 6.4 Requests to defer must be submitted to the Parole Board by one of the parties on an SHRF.
- 6.5 The SHRF should confirm to the duty member that both parties are aware of the application and that the other party to the one making the application has had the opportunity to submit representations. If it is not clear the duty member should send an email to the case manager seeking clarification.
- 6.6 In some cases, a request comes straight to the Board, for example, direct from the Community Offender Manager (COM) or HMPPS psychologist which does **not** follow the correct procedure. **In these instances, the duty member should alert the case manager by email advising that the request should be referred through PPCS.** This allows PPCS to consider whether the request is appropriate and, if not, seek to remedy the situation. For example, they may ask HMPPS Psychology Services Group to adhere to a given timescale for completion of assessment reports rather than defer. Where PPCS decide the deferral request is appropriate,

they will notify the prisoner and their representative via the SHRF to allow for submissions to be made.

- 6.7 Defensible reasons should be given by the prisoner, their representative, or PPCS to support a deferral request. These might include changes in circumstances, such as the prisoner commencing a programme, or starting overnight release on temporary licence (ROTL) where a successful outcome in the near future might appreciably affect risk assessments, or significant and unavoidable delays in getting expert assessments completed. The duty member will want to consider how long the delay might be, how confident they are that there will be no further delay, and whether the reason for the delay will have a meaningful impact upon the assessment of risk.
- 6.8 If agreeing to a deferral, the duty member should make appropriate directions and set realistic deadlines. It **would not be appropriate** to adjourn the matter to themselves because the case is likely to be considered by another duty member in the future.
- 6.9 The duty member should also bear in mind that the Parole Board has a duty to give the prisoner a speedy review of their detention.⁴ Any delay must be balanced against that obligation. **The duty member should consider whether there have been any previous deferrals, to avoid the case being stuck in a loop of multiple delays.**
- 6.10 The deferral will commence from the date the request is considered. Where granting a deferral for a period that is different from the one requested, clear reasons must be given. Reviews **must not be deferred for more than four months** unless there is an exceptional and compelling reason to extend the period.
- 6.11 If a duty member is minded to defer the review for more than four months, clear reasons must be given to evidence the exceptional and compelling circumstances for doing so.
- 6.12 If a duty member decides to defer a case that has not yet reached the MCA stage, they should:
 - Make it clear that the case should be allocated to a routine MCA panel at the end of the deferral period
 - Emphasise that no decision has yet been made as to how the case will proceed. This helps manage the expectations of the prisoner (and victim) and ensures that the case does not come back to a duty member for further action. It also avoids impeding decisions of future panels
- 6.13 If a duty member decides to defer a case that has already been directed to an oral hearing, they should:

⁴ Under Article 5(4) European Convention on Human Rights.

- Set directions that the case should either be returned to a duty member or added to the listing queue at the end of the deferral period
- Ensure any existing listed oral hearing date is vacated
- Emphasise that no decision has yet been made as to how the case will proceed. This helps manage the expectations of the prisoner (and victim) and ensures that the case does not come back to a duty member for further action. It also avoids impeding decisions of future panels

6.14 The duty member should use the MCA Directions template when issuing a deferral. This is because the MCA directions template has more functionality than the Duty Member Form.

6.15 If the duty member requires any advice on cases which appear to be stuck, for example there have already been multiple deferrals, they should contact the Legal & Policy hub or the Director of Operations, as the case may be within the Aged Cases working group criteria.

7 Non-disclosure applications

7.1 The duty member may be asked to consider a non-disclosure application.

7.2 This will most likely be once a case has been through MCA and directed to an oral hearing, but before a panel chair has been appointed.

7.3 However, the duty member may receive non-disclosure applications for cases where a panel chair has already been appointed. This will usually happen where the panel chair considers there is a real risk that the material may be withdrawn if the application is refused and recusal (on the basis that they have seen the withdrawn information) is a likely possibility, which they wish to avoid.

7.4 There may be instances where a request to amend a licence condition comes in either on an SHRF (before release has taken place) or via a *Licence Variation Report* (where release has taken place) and it is accompanied with a non-disclosure application. It is important that the duty member fully considers the non-disclosure application and makes a decision on it BEFORE considering the licence amendment or variation request. This is to ensure that any appeal against the non-disclosure decision is heard before the decision on the licence condition is made.

7.5 In recording their decision, the duty member should use the Duty Member Form and select "Duty member non-disclosure application" from the drop-down menu. The duty member must adopt standard passages of text and not alter them.

7.6 It is important to remember that the prisoner and their representative is not made aware of the first stage application for non-disclosure and care must be taken to ensure that the decision is only provided to PPCS.

7.7 Please refer to the Parole Board *Non-Disclosure Applications guidance* for more information.

8 Requests to vary or revoke an existing direction

- 8.1 A duty member may receive requests to vary or revoke directions that have already been set for an oral hearing. The duty member exercises this power under rule 6.⁵
- 8.2 For example, a request may seek to extend the deadline for submission of a key report, to add or remove directions for further information, to add or remove the requirement for a particular witness, or to defer a scheduled oral hearing (see section six about deferring).
- 8.3 Requests to vary or revoke directions must be submitted to the Board on an SHRF. A duty member may use the response section to record their decision, or they can set out their reasons and any new directions in greater detail using the Duty Member Form and selecting the "Duty member directions variation request" from the drop-down menu. Clear reasons must be given. **Care should be taken not to create 'new directions' using the SHRF response section, as these do not automatically update to PPUD.**

9 Requests to review a case and advise on progression

- 9.1 The duty member can be asked to review matters and advise how a case may be progressed effectively. The duty member exercises this power under rule 6.
- 9.2 These are usually problematic or delayed cases where previously set directions have not been complied with or the parties may have reached an impasse. The aim of the duty member is to progress the case as speedily, fairly and pragmatically as possible.
- 9.3 The duty member should review previous directions and identify the issue(s) that are preventing the case from progressing. If a particular report or historical document:
- Cannot be provided
 - Is unlikely to be provided
 - Waiting for the document will lead to significant delay of the review

the duty member should decide whether it is essential for the review.

- 9.4 **The duty of reasonable inquiry⁶ does not require the duty member to exhaust all avenues and they can decide to revoke the direction if reasonable efforts have been made.** If it is considered no longer essential, or unavailable, the duty member should clearly explain why the

⁵ It is expected that some of these requests will be dealt with by the Secretariat under Delegated Authority set out in rule 4.

⁶ 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.

report is no longer needed. An alternative way to secure information that meets the original need of the direction may be required.

- 9.5 If a witness cannot be contacted or cannot attend, the duty member must review the necessity of the witness and hence the viability of the hearing.
- 9.6 If a prisoner states that they withhold their consent for a particular report/document to be submitted to a panel, such as a medical report, the duty member can still proceed to direct this without their consent. More information about consent and the provision of specialist reports can be found in the *Guidance on Specialist Reports*.
- 9.7 Where issues relate to psychiatric or psychological input, the duty member may wish to consult with a specialist Parole Board member for further advice. A list of members who are available to be contacted can be found on SharePoint: *Specialist Members Advisors List*.
- 9.8 If a duty member is asked to deal with a stalled/complex Imprisonment for Public Protection (IPP) or Detention for Public Protection (DPP) recall case (initial recall or subsequent review) they may wish to check whether any activity is already being undertaken by the IPP Taskforce. **This will avoid any duplication of effort or conflicting directions being set.** Generally, the IPP Taskforce will focus on those cases where initial release is still being considered. The duty member may wish to seek best practice advice and guidance from the *IPP Guidance*.
- 9.9 In some cases, the duty member might clarify or reiterate the original directions (MCA, deferral, etc.), which must be complied with before the case can be progressed or listed for an oral hearing. **The duty member also has powers to set any new directions to replace or extend existing requirements.** They should use the Duty Member Form and select "Duty Member Directions" from the drop-down menu.
- 9.10 **It is likely that if the case has experienced considerable delay, it may already be flagged as part of the Aged Cases working group.** The duty member may wish to ascertain from the Director of Operations what actions, if any, have already been undertaken or considered and if the Aged Cases working group have ongoing dialogue with HMPPS colleagues about the specific case. This may avoid duplication or issuing directions that are counter to any other actions already under way.
- 9.11 **Where particular points of practice or process arise, a duty member may wish to identify lessons to be learned or suggestions for how things might be done differently in future.** They can also volunteer such advice to the case manager in an email or discussion, or alert the Legal & Policy hub, as appropriate.
- 9.12 **The duty member must be available during the day to any Parole Board member seeking advice about how to handle a parole review, and in particular stuck cases.** The duty member is expected to discuss the issues with the member via MS Teams. It is usual to explore the member's understanding of the case and preliminary stance before

offering any advice or signposting a possible solution because the enquirer commonly will be seeking reassurance rather than new ideas or formal guidance.

10 Requests for an oral hearing under rule 20

- 10.1 Under rule 20, prisoners who have received a no release paper decision at the MCA stage may apply in writing for a panel at an oral hearing to determine the case.
- 10.2 Under rule 20(2), a prisoner must serve the application, together with reasons, on the Board and the Secretary of State, within 28 days of the decision or advice being sent. **This timeframe can be varied using rule 9 in appropriate circumstances.**
- 10.3 Once the 28 days (or any extension period) have elapsed the opportunity to request a rule 20 decision has timed out, because:
- A rule 19 decision not eligible for reconsideration will be final; *or*
 - A rule 19 decision which is eligible for reconsideration is provisional but subject only to a reconsideration application.

Once the case falls within either of the above scenarios the Board cannot grant an extension of time as the rule 20 window has closed.

- 10.4 Whilst unlikely, there is no mechanism to request an oral hearing for a case where release has been directed on the papers by the MCA panel.
- 10.5 If 28 days (and any extension period) have elapsed since the MCA provisional no release decision was **sent** to the prisoner and no representations requesting an oral hearing have been received, the MCA decision:
- Remains provisional if it is eligible for reconsideration⁷ and becomes final if no application for reconsideration is received within the specified time;⁸ *or*
 - Becomes final if it is not eligible for reconsideration.
- 10.6 The decision about whether a case should be determined at oral hearing must be taken by a duty member. **A duty member must not review a rule 20 application if they were on the MCA panel who issued the paper decision under rule 19(1)(b).** Rule 20(5)(b) explicitly forbids this; if a duty member has such a case in their bundle, they should notify: the duty member inbox to re-allocate the case.
- 10.7 **The question the duty member needs to consider is whether fairness demands an oral hearing, taking the representations and**

⁷ The prisoner is serving an indeterminate sentence; an extended sentence; a determinate sentence subject to initial release by the Parole Board under Chapter 6, Part 12 of the Criminal Justice Act 2003; a serious terrorism sentence - rule 28(2).

⁸ Within 21 days of the MCA paper decision being issued to the parties – rule 28(3).

MCA panel's provisional paper decision into account.⁹ The duty member may:

- Grant an oral hearing, using the MCA Directions template, as this provides more functionality to provide a narrative, direct additional evidence (as needed), identify witnesses and to set panel logistics on the basis of information in the dossier (they also have the power to prioritise or expedite listing)
- Refuse to direct an oral hearing, using the Duty Member Form and selecting "Oral hearing request" from the drop-down menu and then "Oral hearing not granted"

10.8 In order to comply with common law standards of procedural fairness, the panel must take account of the *OBR principles*. The key question is whether fairness to the prisoner requires oral evidence to be heard, bearing in mind (a) the facts of the case and (b) the importance of the issue at stake.

10.9 Even in cases where the decision may seem clear, fairness to the prisoner may still require an oral hearing. In the judgment in the case of *Hanson*,¹⁰ paragraphs 53 to 60 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:

- a) **What is at stake for the individual?** This will be an individual's liberty where they are in prison. The panel should therefore consider what the practical impact on the individual would be if they remain in prison.
- b) **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.
- c) **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.
- d) **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.

10.10 The judgment in the case of *Somers*¹¹ reiterates the need to consider the *OBR principles*. Paragraph 47 of the judgment states:

⁹ *The Parole Board (Amendment) (No. 2) Rules 2026 removed rule 19(1ZA). There is no legislative requirement to consider whether exceptional circumstances are met in any category of case before directing to an oral hearing for a rule 20 decision.*

¹⁰ *R (Hanson) v Parole Board for England and Wales [2026] EWHC 1723 (Admin).*

¹¹ [Somers v Parole Board \[2023\] EWHC 1160 \(Admin\)](#)

"...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."

- 10.11 The judgment also provides some specific advice in relation to life sentence prisoners.¹² 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 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."

- 10.12 The *OBR principles* do not require an oral hearing to take place in all cases, or just because one has been requested.

- 10.13 A no release MCA paper decision will be based on the information available when the MCA panel convened. **A request for an oral hearing is not an appeal against the merits of that decision.** The duty member is neutral as to the merits of the provisional paper decision and must review the submissions requesting an oral hearing.

- 10.14 The duty member will need to decide whether the contents of those submissions are materially different to the information and considerations of the panel that issued the decision. The submissions may include new information or provide the rationale from the prisoner's perspective for the first time.

- 10.15 In some cases, the submissions may only reiterate what the MCA member has already considered and do not provide new details. The duty member may still consider the argument for an oral hearing to be persuasive and fair in the interests of justice and therefore direct an oral hearing.

¹² This applies equally to IPP and DPP cases and all determinate cases.

- 10.16 The duty member may be faced with a case where the prisoner could not or did not make representations at the MCA stage. Alternatively, even if representations were prepared, they might not have been available to the MCA panel because they did not arrive in time before the decision was made at the MCA stage. These submissions may argue for, or otherwise provide grounds for, an oral hearing. However, the simple fact that representations were not available at the MCA stage is not a reason by itself to grant an oral hearing. **It is their content that is important.**
- 10.17 Submissions that were made before the MCA panel date but which, for any reason, were not considered by the original MCA panel, cannot be sent back to that original MCA panel for consideration. However, the representations may be considered by the duty member if they are submitted by the prisoner/their representative under rule 20.
- 10.18 In the case of a determinate sentence prisoner, the duty member should not usually direct an oral hearing if there are less than 26 weeks until the sentence expiry date (SED).¹³ This is current Board policy but the duty member may decide to act outside of the policy should circumstances warrant it. This should be rare and where an oral hearing is directed, the case should be expedited (see section 11). The duty member may wish to contact Legal & Practice Queries for advice.
- 10.19 Under rule 20(7), the decision as to whether the case should be determined at oral hearing must be provided to the parties within 14 days of the application being served by the prisoner. **This is a strict time limit that cannot be extended, as set out in rule 20(8).**
- 10.20 In each case, the duty member must make clear the reasons for their decision. This is because it is very important that parties reading the decision are able to understand why an oral hearing is, or is not, now being directed. If an oral hearing is directed, the duty member must not make a judgment on the case itself: to do so may unfairly pre-judge a future oral hearing outcome and/or impede decisions of a future panel.
- 10.21 The duty member cannot act as an MCA panel and re-consider the review. A new decision (release or no release) cannot be made.
- 10.22 **The duty member cannot defer or adjourn any case for further information. Rule 20(8) prohibits this. They have the power to either refuse or grant an oral hearing.** This may limit the scope and timeframe for seeking further information. In such a case, the duty member will need to make the best decision they can on the information that is in front of them.
- 10.23 The duty member also has the power to prioritise or expedite the listing of an oral hearing, where one is directed. This should only be directed where circumstances are considered exceptional and the duty member will need

¹³ Panels may wish to adopt a similar position where the CRD for an EDS prisoner is less than 26 weeks away.

to consider the impact on other cases awaiting an oral hearing. See section 11 for more information.

10.24 If the decision taken is that the case should not be determined at oral hearing, the MCA decision:

- Remains provisional if it is eligible for reconsideration¹⁴ and becomes final if no application for reconsideration is received within the specified time¹⁵
- Becomes final if it is not eligible for reconsideration¹⁶

11 Requests to prioritise or expedite a case

11.1 **Prioritising** a case is asking the Listings Team to give the case priority in the next monthly bulk listings exercise.

11.2 **Expediting** a case is asking the Listings Team to list the case as **soon as possible**, perhaps with a freshly commissioned panel at short notice. If the duty member is minded to expedite a case they should first discuss this with the Listings Team before issuing the direction. It 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.

11.3 Both routes have significant consequences for other prisoners in that their reviews may be unfairly delayed, despite their applications having similar merits to the case being considered. Another prisoner's application might be stood down from a month's listing to allow the review of an expedited or prioritised case, or a panel removed from another case to accommodate.

11.4 The processes of prioritisation, and especially expedition, also have considerable resource implications for the Parole Board and the parties.

Prioritisation at MCA

11.5 Cases at the MCA stage are listed in line with the routine listing framework, as set out in the Prioritisation Framework for Paper Reviews under the Member Case Assessment Process.

11.6 For the majority of cases this will ensure the case is progressed through the MCA process within an acceptable timeframe.¹⁷

¹⁴ The prisoner is serving an indeterminate sentence; an extended sentence; a determinate sentence subject to initial release by the Parole Board under Chapter 6, Part 12 of the Criminal Justice Act 2003; a serious terrorism sentence - rule 28(2) of the Parole Board Rules 2019 (as amended).

¹⁵ Within 21 days of the MCA paper decision being sent to the parties – rule 28(3) of the Parole Board Rules 2019 (as amended).

¹⁶ Rule 32 provides for the Secretary of State to direct that the Parole Board refer a 'top tier' case to the High Court where the Parole Board has directed release.

¹⁷ There may be times where the volume of cases awaiting MCA results in longer waiting times.

11.7 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 hospital setting or mental health unit and they have been returned to prison
- The prisoner is, or was, under 18 years old at the point of sentence¹⁸

11.8 **These cases should already have been prioritised for listing by the Secretariat and be added to the next available MCA bundle.**¹⁹

11.9 **The duty member should still put this into directions to avoid it being missed by the MCA Team.** 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.

11.10 However, there may be situations where one of the parties' requests that the case be prioritised. Where exceptional circumstances are put forward by one of the parties for prioritisation, the case will be put before a duty member for consideration. The duty member must decide whether circumstances are sufficiently exceptional to warrant a case being given a higher priority in the paper review process than a standard case.

11.11 **This should only be agreed in rare circumstances to ensure fairness to other prisoners waiting for a paper review.**

11.12 The duty member can decide to:

- a) **Prioritise a case for a paper review** – this is to allocate a case to the next available MCA bundle
- b) **Refuse to prioritise the case** – the case will remain in the queue and bundled in the usual way

11.13 **Examples of when prioritising would be appropriate:**

- Serious concerns over the prisoner's health including serious mental health issues or terminal illness/compassionate release
- Compassionate reasons related to close family members
- The original decision is the subject of an order for reconsideration or has been quashed by the High Court
- Where the prisoner is about to lose access to leaving care support
- A complex release plan is time critical, and arrangements are likely to fall apart if the case is unduly delayed

11.14 It is unlikely that any other circumstances would justify prioritising the case at the MCA stage.

¹⁸ Including Detention at His Majesty's Pleasure (DHMP), Detention for Life, Detention for Public Protection (DPP), and some Extended Determinate Sentences (EDS) for under 18s.

¹⁹ Mental Health cases are bundled as single bundle cases to MH Cohort members.

11.15 There is no requirement to expedite a case at the MCA stage as by default, any case that has been prioritised will be added to the next available MCA bundle.

Prioritisation for an oral hearing

11.16 Cases progressing to oral hearing are listed in line with the routine listing framework, as set out in the *Listings Prioritisation Framework* (LPF). However, in exceptional circumstances, the duty member may prioritise or expedite a case outside of the routine LPF.

11.17 **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 hospital setting or mental health unit and they have been returned to prison; or
- The prisoner is, or was, under 18 years old at the point of sentence.²⁰

11.18 **These cases should already have been prioritised for listing by the MCA panel, but the duty member should still put this within directions to avoid it being missed by case managers and the Listings Team.** 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.

11.19 Requests to prioritise or expedite an oral hearing from either party must be submitted to the Board on an SHRF. A duty member is not required to, but may use, the response section to record their decision. Alternatively, they may use the Duty Member Form and select "Duty Member Directions" from the drop-down menu where they can set out the decision and reasons in greater detail and precision.

11.20 More information about prioritising and expediting cases for oral hearing can be found in the *MCA Guidance*.

12 Requests to combine reviews

12.1 The duty member may be asked 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 and/or submit representations.

12.2 Combining reviews can be a way to efficiently deal with circumstances where the Secretary of State has made two referrals at different times, but the reviews overlap. Below are some examples:

- **Pre-tariff review on move to open conditions and new referral to consider release:** Some indeterminate sentence prisoners are referred for a pre-tariff review. This is where the prisoner has not yet

²⁰ Including Detention at His Majesty's Pleasure (DHMP), Detention for Life (DfL), Detention for Public Protection (DPP), and some Extended Determinate Sentences (EDS) for under 18s.

reached their tariff expiry date (TED), but the Secretary of State is seeking advice about a move to open conditions. It can happen from anywhere between 12 to 36 months before the TED. In some instances, the point at which the GPP on-tariff referral to consider release is due has been reached before the pre-tariff review concludes. In such cases, the pre-tariff review seeking advice about a move to open conditions will run in parallel with the new referral to consider release.

- **GPP on/post tariff review and further referral on suitability for open conditions:** Where a GPP on or post tariff review is under way for a prisoner in open conditions and an adverse development in open results in the prisoner being returned to closed conditions, the Secretary of State may submit a further referral seeking advice about suitability for open conditions which will run in parallel with the GPP review. This does not happen in all adverse development cases where there is an ongoing review as sometimes the circumstances mean the prisoner is no longer eligible to be considered for open conditions.
- **GPP review or recall and referral on compassionate release:** On rare occasions, the Secretary of State may send through a referral for advice about compassionate release (i.e. if the prisoner has a terminal illness or other life changing event – see section 14). If the Board is already considering the case for a GPP review or recall, then there will be two active referrals running in parallel.
- **Two or more concurrent sentences²¹ and the point of referral for one overlap with another:** This is most likely where the prisoner is serving two determinate sentences, and likely on a recall for one of them. Where multiple sentences come to a point where more than one review is due there will then be parallel referrals.

12.3 **When considering combining reviews, the duty member will need to explore the impact on each referral.** It will be important to understand the status of each referral:

- Have both referrals been through MCA already?
- Has a provisional decision been issued for either referral?
- Has an oral hearing been directed for either referral?

12.4 If there is already an oral hearing scheduled, the matter should be determined by the appointed oral hearing panel chair, or where there is more than eight weeks until the oral hearing it will be sent to the duty member to determine.

12.5 **Combining reviews may inadvertently delay determining a referral and disadvantage the prisoner.** For example, it may be fairer to progress a referral for advice about suitability for open conditions in the usual way through MCA; a positive determination may be possible on the papers. This may lead to the prisoner being moved to open conditions

²¹ Further guidance can be found in the *Types of Cases Guidance*.

ahead of an oral hearing for the GPP or recall review, which may provide a more positive case for release.

- 12.6 Where two referrals are combined, they will be considered in one review but both referrals will still need to be addressed separately on their own merits and will most likely require separate risk assessments before coming to an overall decision.
- 12.7 The duty member is only determining if the reviews can be combined and not making decisions about the referrals.
- 12.8 Care will need to be taken when issuing directions about combining reviews and the following may need to be covered:
 - Directing the Secretary of State to confirm the relevant dates of the sentences that need to be considered
 - Setting out the target hearing dates of each referral, particularly if the case is likely to go to oral hearing as these will be needed for listing
 - Directing the merging of the two dossiers
 - Highlighting the need for everyone to be clear which review on PPUD will be used for the combined review

13 Requests to conclude a case on the papers under rule 21

- 13.1 Rule 21 allows for a case to be concluded on the papers where it has previously been directed to an oral hearing at the MCA stage under rule 19(1)(c) or 20(5).
- 13.2 Either party can apply for the case to be concluded on the papers. The Board can also initiate the process.
- 13.3 Under the Rules, there is no time limit on when an application can be made, therefore a request to conclude on the papers under rule 21 can be made at any suitable point in time prior to the oral hearing.²²
- 13.4 If the case has been listed and has been allocated to a panel chair, the decision should rest with the panel chair.
- 13.5 If the case has not yet been listed and does not have a panel chair assigned, the application will be sent to a duty member to consider.
- 13.6 When deciding whether to conclude a case on the papers, the duty member will need to bear in mind what is fair to the prisoner, including the *OBR principles* (**please see paragraphs 10.8 to 10.11 above** and the *MCA guidance* for more information) which apply at the various stages of a review when considering whether or not to conclude on the papers without an oral hearing.

²² Under previous versions of the Rules, a decision to conclude on the papers could not be made where there was less than three weeks to an oral hearing. This is no longer the case.

- 13.7 It does not set aside the MCA direction but does enable a panel chair or duty member to conclude a case on the papers following a rule 19(1)(c) or 20(5) direction if an oral hearing is no longer necessary:
- a) *In the interests of justice;*
 - b) *To effectively manage the case; or*
 - c) *For such other reason as the panel chair or duty member considers appropriate, including where further evidence is received by the Board.*
- 13.8 Concluding a case on the papers under rule 21 follows **three procedural stages that must be followed:**
- **First stage:** *Consideration* is given as to whether a case might be able to be concluded on the papers
 - **Second stage:** The panel chair or duty member *makes the decision* about whether it can be concluded on the papers, or whether it must proceed to oral hearing
 - **Third stage:** Where it is decided that the case can be concluded on the papers, an appointed panel then *makes the substantive decision* about release/open conditions
- 13.9 Under the Rules, the substantive decision at the third stage may be made by the panel who made the second stage decision or a newly appointed panel. **It is possible, therefore, for the member who makes the second stage decision to move straight to make the third stage substantive decision.**
- 13.10 **The duty member is asked to consider these requests as a priority task within their allocated work for the day. The duty member will decide if a case can be concluded on the papers, and if so, will retain the case to write the substantive decision outside of the normal duty member day.**
- 13.11 Most IPP cases are managed by the IPP Taskforce. If a duty member receives a request about an IPP prisoner, who has never been released, they should notify the Secretariat as it will need to be redirected to the IPP Taskforce. The duty member may also wish to check with the Secretariat if they are asked to consider a rule 21 application for an IPP recall in case it is similarly being dealt with by the IPP Taskforce.
- 13.12 The duty member assigned to the case should make the substantive decision. If the case is assigned to a different duty member from the one who determined stage two, that member cannot undo the direction made at stage two and so must write a paper decision and conclude the case.
- 13.13 **The Paper Decision template should be used for any decision made under rule 21 (up to the oral hearing date) and the review type selected on the template must be 'Post Member Case Assessment'.**
- 13.14 If a review is concluded on the papers:

- a) The decision remains provisional if it is eligible for reconsideration²³ and becomes final if no application for reconsideration is received within the specified time²⁴
- b) The decision becomes final at the point of issue if it is not eligible for reconsideration

13.15 The full process for concluding a case under rule 21 should be followed and is set out in the *Oral Hearing Guidance*.

14 Requests for early release on compassionate grounds (ERCG)

- 14.1 Under section 30 of the Crime (Sentences) Act 1997, the Secretary of State may at any time release a prisoner on licence if they are satisfied that exceptional circumstances exist which justify early release on compassionate grounds (ERCG). Before exercising this power, the Secretary of State is required to consult the Parole Board (in relation to indeterminate sentence prisoners) unless the circumstances make this impracticable.
- 14.2 ERCG is a release subject to normal supervision and recall. It is different to temporary release for compassionate reasons, which is at the discretion of Prison Governors. **The Parole Board only considers ERCG requests for indeterminate sentenced prisoners and where the Secretary of State has asked the Parole Board to provide such advice. Therefore, the Duty Member should not issue such advice without the request.** It provides a recommendation to the Secretary of State, not the final decision, as ERCG must be personally approved by a Minister.
- 14.3 **The ERCG arrangements are intended to apply in only the most exceptional circumstances.** Requests for advice on ERCG are therefore rare.
- 14.4 When considering ERCG cases, the duty member should balance the merits of early release on compassionate grounds against the risk to the safety of the public and of the likelihood of re-offending.
- 14.5 **The Board must only recommend compassionate release where the circumstances satisfy it that the risk of serious harm is minimal.** Public protection remains the Board's primary responsibility.
- 14.6 The HMPPS *Early Release on Compassionate Grounds Policy Framework* sets out the following principles:
- The early release of the prisoner will not put the safety of the public at risk. In all applications for ERCG, the Secretary of State must be satisfied that the prisoner can be safely managed in the community.

²³ The prisoner is serving an indeterminate sentence; an extended sentence; a determinate sentence subject to initial release by the Parole Board under Chapter 6, Part 12 of the Criminal Justice Act 2003 (Rule 28 (2) of the Parole Board Rules (as amended)).

²⁴ Within 21 days of the decision on the paper after a direction for oral hearing being issued to the parties.

- There is a specific purpose to be served by early release. There must be a clear reason to consider the early release of the prisoner before they have served the sentence imposed on them by the sentencing court.
- A decision to approve ERCG will not be based on the same facts that existed at the point of sentencing and of which the sentencing or appeal court was aware.

14.7 The HMPPS Policy Framework sets out the broad range of circumstances when advice about ERCG may be sought:

Prisoner's health and/or social care needs

- **Severe health conditions:** Applications may be made where the prisoner is incapacitated or has health conditions, such that the experience of imprisonment causes suffering greater than the deprivation of liberty intended by the punishment. This could include paralysis, those who have experienced severe strokes, respiratory illnesses, cardiovascular disease and different types of dementia.
- **Terminal illness:** ERCG may also be considered for prisoners suffering from a terminal illness who are in the last few months of life and medical advice provides that the prisoner would be better accommodated at a hospice/hospital or, in some cases, a domestic setting where the necessary care can be provided.
- **Self-induced severe health conditions:** Conditions which are self-induced, for example, a prisoner refusing food or medical treatment, will not in themselves qualify the prisoner for ERCG. However, should such conditions result in the prisoner meeting the criteria set out above an application may be made.

Tragic family circumstances

- **Severe family hardship:** Applications being made due to tragic family circumstances would need to demonstrate that the circumstances of the prisoner or their family have changed to the extent that if the prisoner were to serve the sentence imposed, the family's hardship would be of exceptional severity, greater than the court could have foreseen.
- **Partner or parent is terminally ill:** Early release would depend on what other help or support is available to them and/or any risk posed to the welfare of children or vulnerable adult(s) in their care.
- Family circumstances should also be read as circumstances involving non-family members, but where the connection between the prisoner and the individual(s) is equivalent to that of a family relationship.

Other exceptional circumstances

- Other unprecedented circumstances may arise which are exceptional and would fall to be considered in line with ERCG.
- Applications for exceptional circumstances based on Article 3 (prohibition of torture) of the European Convention on Human Rights where circumstances have arisen since the imposition of the sentence

which render the punishment originally imposed no longer justifiable on penological grounds.

- Any application would need to establish that there is a genuine and vital reason for the prisoner's permanent early release, and the circumstances cannot be dealt with by either temporary release arrangements or any other person or agency.

14.8 The duty member should note the following points:

- The HMPPS guidance is there to determine how cases are referred to the Board. It is not binding on the duty member
- Resource and cost implications of maintaining staff on bed-watch duties at an outside hospital/hospice are not grounds to refuse ERCG
- In cases where a prisoner would fall under the criteria to be considered for ERCG but has expressed their wish to stay in prison, an application may still be made if the Prison Governor is satisfied, on advice provided by those caring for the prisoner, that ERCG is in the best interests of the prisoner
- Where a prisoner has been assessed as not having mental capacity, then the principles of 'Best Interest' should be used²⁵ and
- If considering directing the case to an oral hearing, the duty member needs to bear in mind that such requests are commonly time critical and that instituting lengthy additional procedures may be unfair, insensitive, or self-defeating. Any deadlines for necessary directions or the possibility of expediting an oral hearing should be considered

14.9 In cases where the Secretary of State has not asked the Board to provide advice on ERCG, but the duty member is considering a case where there are serious concerns about the health of the prisoner, they could issue directions seeking further information from the Secretary of State as to whether ERCG has already been considered or whether it can be looked at in light of the current evidence.

14.10 The decision and reasons should be recorded on the Duty Member Form and selecting "Duty Member Directions" from the drop-down menu.

15 Requests to amend the 21-day time limit for reconsideration

15.1 The Reconsideration Mechanism (rule 28) provides a route for either of the parties to make an application for a provisional decision to be reconsidered before it becomes final, where one of the following situations may apply:

- **Contains an error of law**
- **Is irrational** - the decision makes no sense based on the evidence of risk that was considered and that no other rational panel could come to the same conclusion

²⁵ Principle 4 of the Mental Capacity Act emphasises that anything done for or on behalf of a person who lacks mental capacity must be done in their best interests.

- **Is procedurally unfair** - the correct process was not followed in the review of the prisoner for parole or something else about it was unfair - for example, important evidence was served by one party but not made available to the other
- 15.2 An application must be received within 21 days of the provisional decision being sent to the parties. **Any requests made after the 21-day time limit cannot be accepted by the Parole Board as the decision will then be final and the Board has no jurisdiction.**
- 15.3 However, it is acknowledged that there may be exceptional situations outside of the control of the parties that result in the decision (full or summary) not being received in good time, or other factors affecting the time in which a reconsideration application can be made. As such, the Parole Board can receive requests for an extension to the time limit for making a reconsideration application within the 21-day period. There may also be exceptional situations where a party will wish to seek a **reduction** to the 21-day time limit, for example in the case of sudden onset illness or the need for release by a near future date to an address with specialist facilities. This guidance is to be referred to when considering such requests.
- 15.4 Any direction to extend the time limit must also be made before the 21 days expires, for the same reason.
- 15.5 Reconsideration of decisions is addressed in rule 28. In relation to the timeliness of making an application, rule 28(3) states:
- 28(3): An application for a provisional decision to be reconsidered under paragraph (1) must be made and served on the other party no later than 21 days after the decision under rules 19(8), 21(5), 25(6), or 31(7) is sent to the parties.*
- 15.6 However, rule 9 provides for varying time limits:
- A panel chair or duty member may alter any of the time limits prescribed by or under these Rules where it is necessary to do so for the effective management of the case, in the interests of justice or for such other purpose as the panel chair or duty member considers appropriate.*
- 15.7 As such, requests to reduce or extend the time limit for submitting an application can be considered. **However, all such requests must be received, and any extension granted, within the 21-day time limit.**
- 15.8 Requests to vary the time limit may be made at the time of the oral hearing, after the hearing but before the provisional decision has been issued, or after the provisional decision has been issued to both parties (but within the 21-day time limit). Requests that are made either at the time of the oral hearing or before the provisional decision has been issued will be considered by the panel chair. Requests that are received after the provisional decision has been issued will be put to a duty member who will

need to consider the request on the day that it is received or, failing that, resubmitted the following day by the Secretariat to the next available duty member.²⁶

15.9 The duty member is only considering the request to extend or reduce the time limit and *not* the reconsideration application itself.

15.10 The duty member should bear in mind, in relation to requests to extend the time limit from the Secretary of State, that the prisoner will continue to be detained for as long as it takes to determine the application for reconsideration. Therefore, any extension of the time limit will prolong their detention. This is why the time limits in rule 28 are deliberately quite short.

15.11 Upon receipt of an extension/reduction request, and if time allows, the other party should be provided with the opportunity to submit representations in response. A tight timeframe should be provided (usually one working day) to ensure that the request is dealt with efficiently. In the case of requests made after the decision has been issued, representations from the other party will be sought by the Secretariat before the request is put to the duty member.

Considering requests

15.12 The duty member will be sent an email with all the relevant detail included in a table format. This should include:

- Request type (extension or reduction)
- Prisoner name, number and location
- Sentence type
- Date of provisional parole decision (and when it was issued)
- Date when the Parole Board Decision Summary (PBDS) or redacted decision was issued (if applicable)
- Date the extension or reduction request was received and requestor details
- Reasoning for the request
- The original 21-day deadline
- Proposed new deadline/details (if provided)
- The original written application from the party
- Any representations from the other party

15.13 The Secretariat will already have contacted the other party and will specify whether representations have been received and, if so, will attach the representations to the email. The provisional decision will be attached to the email to provide context, but it has no bearing on consideration of the request to alter the time limit for submitting an application.

²⁶ *It is expected that some of these requests will be dealt with by the Secretariat under Delegated Authority set out in rule 4.*

15.14 The duty member will need to check that it is clear who is making the request and that there is enough information within the request to enable proper consideration.

15.15 The principal considerations are:

- Does the request evidence exceptional circumstances?
- Would refusing the request be unfair or result in unreasonable disadvantage to the requesting party?
- Would granting the request be unfair or result in unreasonable disadvantage to the other party?
- Would granting the request be unfair or result in unreasonable disadvantage to the victim?

Requests to extend the time limit

15.16 The duty member should bear in mind that the 21-day time limit is the time set out in statute and should be followed unless there is a very good reason not to.

15.17 When considering a request to extend the time limit, the following examples may assist, bearing in mind there should be a high threshold for granting an extension, and that the circumstances must be exceptional:

Prisoner requests

- Did the prisoner receive the provisional decision in good time or was there a delay that reduced the timeframe within which to make an application?
- Did the prisoner's representative (if appropriate) have timely access to their client to take instruction?
- If unrepresented, did the prisoner receive appropriate support and advice on the implications of the decision and options available?
- Did the prisoner need the decision to be translated into another language or alternative format which delayed making an application?

Secretary of State requests

- Was the PBDS or redacted decision sent out with enough time for any victim to consider asking the Secretary of State to make an application?
- Was a victim away or out of the country when the PBDS or redacted decision was issued?
- Was the Secretary of State notified of the provisional decision in good time?
- Did the Secretary of State process a request from a victim in a timely manner?
- Was the Secretary of State waiting on information from a third party?
- Would an extension have an impact on the risk management plan? (for example, no impact if a bed will not be available anyway until after any extension period granted)

Requests to reduce the time limit

15.18 The duty member should bear in mind that the 21-day time limit is the time set out in statute and should be followed unless there is a very good reason not to.

15.19 When considering a request to reduce the time limit, the following examples may assist, bearing in mind there should be a high threshold for granting a reduction, and that the circumstances must be exceptional:

- How long is the remaining provisional period? (a small reduction is more likely to be fair and reasonable than a large one)
- Would a bed space in Approved Premises or other supported accommodation be lost if the decision were to remain provisional for the full 21 days?
- Would the prisoner not be able to attend, for example, a hospital appointment or receive medical treatment in the community if the decision were to remain provisional for the full 21 days?
- Have there been delays in the parole process that are not the fault of the prisoner, but which have put them at a disadvantage?
- Is the prisoner suffering from a terminal illness or are there other strong compassionate reasons for reducing the time limit?

15.20 **When considering a request from the prisoner to reduce the time limit, the position of the victim must always be taken into account.** The 21 days is set out by the Rules with the intention of giving the victim enough time to obtain a PBDS or redacted decision, consider it, identify any potential error of law or grounds of irrationality or procedural unfairness, and ask the Secretary of State to make an application for reconsideration. The Secretary of State will also need time to consider whether to make an application. Reducing the time limit may have the effect of disenfranchising the victim. This will always act as a factor against reducing the time limit except in cases where there are no victims who might want to consider reconsideration, or victims have indicated that they do not want to (or otherwise have no objection).

15.21 Even where there is no victim engaged, **the reconsideration period should never be removed completely.** Doing so is unfair as it removes the opportunity for parties to apply for reconsideration, which they are entitled to do so.

Making a decision

15.22 The starting point is that the time limit set out in statute should be followed unless there is a very good reason not to. In the majority of cases, this will not cause a substantive delay to release. **Rule 9 should only be used to amend this time limit in exceptional, not normal, circumstances.**

15.23 **The duty member will need to take all factors and representations into account and then use their judgement to carry out a balancing**

exercise to assess whether the use of rule 9 would be fair to both parties and appropriate in the circumstances.

- 15.24 All effort should be made for a decision to be **issued on the day** the duty member receives the request, wherever possible.
- 15.25 The decision should be set out on the "Duty Member Directions" template, and all fields should be completed. Select "Other" in the result field.
- 15.26 Within the reasons section, the duty member should state which party is seeking the request and give a brief summary of why the extension or reduction is needed.
- 15.27 The decision must be clearly stated ("*extension request granted*" or "*extension request refused*"; "*reduction request granted*" or "*reduction request refused*", as appropriate). Full reasons for the decision to grant or refuse the request must be provided.

NOTE: A Reconsideration Application is not an appeal against the decision. The word "appeal" should not be used.

- 15.28 If the extension or reduction request is granted, a new deadline for the submission of the application must be set. Extension requests are usually granted for up to seven days, but the duty member may allow longer or shorter periods at their discretion, depending on the circumstances.
- 15.29 Both parties will be informed of the outcome of the request.
- 15.30 The duty member should put "*recon EXTENSION request*" or "*recon REDUCTION request*" as appropriate in the subject field of the email and send to the Secretariat.
- 15.31 **If there is not enough information to fairly consider the request, further information can be requested.** In the case of extension requests, members should take into account that this will further extend the period that the decision remains provisional and so this should only be considered where absolutely necessary.
- 15.32 **In all cases, a very short deadline to provide the additional information should be set, ideally no more than 48 hours.** If the information is not received within 48 hours, a final decision on the application should be made, at the discretion of the duty member. When doing so, bear in mind that once the 21-day period expires, the Board will be unable to grant any extension.
- 15.33 **If time to apply for reconsideration has expired,** the duty member should return the papers to the case manager noting that the decision has now become final and so **no decision can now be made** to extend or reduce the time limit.

15.34 Requests to reduce or extend the time limit should be referred to the reconsideration team for advice about how to proceed if they raise any of the following points:

- The request is not for an eligible case (this will have been checked on receipt but be alert to any anomalies or errors)
- The request has been received within the 21-day time limit, but the reconsideration application has already been considered and a decision issued. The decision is therefore final, and the Board is *functus officio*. Once the decision is final, the only way it can be revisited is by either the set aside process, judicial review, or by referral to the High Court in a 'top tier'²⁷ case where release has been directed.²⁸ If such a case is received in error, the duty member should simply return it to the Secretariat stating that the application is out of time

16 Request to consider varying a licence condition

- 16.1 All those on licence whose original release was directed by the Board must have any **variations** to licence conditions considered by the Board for a licence variation to take place.
- 16.2 The Board will not be asked to consider licence variation requests for any case where it did not direct release or re-release (but see paragraphs 16.3 and 16.4).
- 16.3 The Secretary of State is responsible for setting licence conditions for individuals serving an IPP sentence who are re-released following recall under the executive power of Release Following Risk Assessed Recall Review (RARR). The Secretary of State only has the power to set conditions for such a case at the point of a RARR release. Requests to vary licence conditions for these cases will revert back to the Parole Board.
- 16.4 Standard determinate sentenced prisoners re-released following recall by the Board will have any changes to licence conditions decided by the Secretary of State. The exception to this is power to detain (PTD) cases where initial release was by the Board and who have subsequently been recalled. The Board remains responsible for the licence conditions when directing re-release and considering any requests for variation of those conditions.
- 16.5 Variation requests can include adding, removing or varying conditions. The Board might be asked to **add** or **vary** conditions, where the risk may have changed, and the existing conditions are no longer sufficient to manage the risk. Equally, the Board can be asked to **remove** conditions, where they are no longer required or are to be replaced.
- 16.6 If the request is received within 28 days after a panel (MCA or oral hearing) has determined the case, it will be sent back to the original panel

²⁷ A 'top tier' case is defined as: murder, rape, causing or allowing the death of a child, and serious terrorism.

²⁸ The VAP Act 2024 section 61-64 sets out a power in which the High Court can overturn a Parole Board decision. This is set out in Parole Board rule 32.

to consider. This is usually where the individual has not yet been released and something in the risk management plan has changed.

- 16.7 Requests received after 28 days from when the decision was issued will be sent to a duty member to consider. These are usually where the individual is already in the community on licence.
- 16.8 If a duty member receives a request that is within 28 days after a panel has determined the case, they should first **check** whether the case manager has invited the original panel to consider it. This may already be explained in the papers. However, if the case cannot in practice be returned to the original panel for timely determination, the duty member will be asked to consider the application.

Newlove judgment

- 16.9 The judgment in *R (Newlove) v The Parole Board and the SSJ (AC-2025-LON-000556)*,²⁹ handed down on 18 August 2026, concerns the matter of a licence variation case. Duty members should follow the key points from the judgment set out in the following sections.
- 16.10 The key learning is that a licence variation referral is not simply a decision about the specific amendment initially proposed. Once the matter is before the Board, the duty member must:
- a) identify and determine every variation request contained within the referral
 - b) consider all representations and evidence
 - c) assess necessity and proportionality rigorously
 - d) have regard to the requested change in the context of the licence conditions as a whole
 - e) consider whether procedural fairness requires an oral hearing
 - f) provide clear reasons explaining why each request succeeds or fails
- 16.11 Whilst the judgment related to an individual serving a life sentence, the position taken by the Board is that it applies equally to other cases where the Board is asked to consider licence variations.
- 16.12 The judgment is clear that reviews for considering licence variations **fall within the broader principles of procedural fairness set out in the *Osborn, Booth and Reilly* judgment (*OBR principles*)**.

Who can request a licence variation

- 16.13 The judgment states that licence variation requests are not limited to the Probation Service. Requests may originate from:
- The Probation Service/Community Offender Manager (COM)
 - The individual on licence/their representative
 - Third parties, for example victims or persons at risk

²⁹ *R (Newlove) v The Parole Board and the SSJ (AC-2025-LON-000556)*

16.14 The Court rejected the notion that only the Secretary of State can effectively initiate consideration of licence condition changes. A sufficiently clear request made by an individual on licence, victim or third party must ultimately be referred to the Board for consideration, regardless of the COMs assessment of the necessity.

The referral

16.15 The judgment confirms that **the Parole Board's jurisdiction to consider licence condition variations arises only when the matter is referred by the Secretary of State, who alone has the power to make such a referral to the Board.**

16.16 There is no mechanism for the individual on licence or any other person to make a self-referral direct to the Board.³⁰ The relevant legislation setting out that the request must come from the Secretary of State is section 31(3) of the Crime (Sentences) Act 1997 which reads, so far as is relevant:

*"The **Secretary of State** must not include a condition in a life prisoner's licence on release, insert a condition in such a licence or **vary or cancel a condition** of such a licence except— (a) in accordance with recommendations of the Parole Board..."*

16.17 It is the Secretary of State who varies or cancels a condition of a licence, after seeking advice on a recommendation from the Board.

16.18 The Court went on to describe the process to which is followed:

- Request made by interested party to, or identified by, the COM
- COM prepares relevant report and assessment
- Matter progresses through Public Protection Casework Section (PPCS)
- PPCS refers the case to the Parole Board
- All representations from all interested parties should accompany the referral

Importantly:

- The Probation Service's view is highly relevant but not determinative
- Requests must not be filtered out simply because Probation/PPCS disagrees with them

16.19 The duty member will need to be satisfied that they have a valid referral before proceeding to consider the request. Once a referral has been received, the Board is vested with jurisdiction and under a duty to consider the matter and deliver a decision.

The dossier

³⁰ See paragraph 113 of the Newlove judgment

- 16.20 In most cases, the COM should complete a *Licence Variation Report*³¹ including full details of the proposed licence condition(s) variation being requested (including the proposed wording). The report must set out full reasons for why the licence condition(s) variation is considered to be necessary and proportionate to manage the individual's risk. For exclusion zone or restriction zone conditions, a map must be provided. The COM must inform the individual on licence of the application and ask them to complete the representations form attached to the *Licence Variation Report*. There may be circumstances where notifying the individual on licence may increase risk of abscond or other adverse activity, but this should be explained in the report if relevant.
- 16.21 The COM should provide a view about any licence variation request, regardless of its origin. It may originate from the individual on licence, an identified victim, persons at risk or third party. This is important and the report should carefully distinguish between the COM's view on the merit of others' requests from those where the COM has made the request themselves.
- 16.22 If the variation being requested involves a victim-related condition, and the victim is signed up to the Victim Contact Scheme, there should be confirmation that the victim has been informed and been given the opportunity to comment.
- 16.23 PPCS will complete a covering SHRF and attach the *Licence Variation Report* to it when making the application to the Board.
- 16.24 In some cases, more substantial information will be submitted as additional papers, including representations from the individual on licence or third parties, particularly for indeterminate sentence cases. The dossier from the most recent review where release was directed will often be made available to the duty member. **It is important that all information is fully considered.**
- 16.25 If the request is pre-release (i.e. release has been directed but not yet effected), or immediately following release, there may only be an SHRF received. Most of the sections of the *Licence Variation Report* relate to time in the community and are not relevant in these circumstances.
- 16.26 HMPPS has issued the *Supervision of Indeterminate Sentences Policy Framework* which provides advice to COMs about making changes to licences.³²
- 16.27 The duty member should refer to the Parole Board *Guidance on Licence Conditions* for more information about specific conditions.

Considering the full scope of the referral

³¹ See paragraph 16.25 about when a *Licence Variation Report* may not be required.

³² Previously titled: *Managing Parole Eligible Offender on Licence Policy Framework*.

16.28 A key point from the judgment is that once a referral is made, the duty member is not confined to considering only one person's request. Where multiple requests exist, they must consider:

- Any Probation Service recommendations
- Any requests from the individual on licence for removal or amendment of conditions
- The victim or third-party request
- Any subsequent representations submitted by any party

16.29 The Court held that these collectively form part of the "matter referred" and the duty member is tasked to determine the merits of the competing requests. The duty member should therefore:

- Identify every variation request before them
- Record each request separately
- Reach a conclusion on every request
- Explain why each request is accepted or rejected

16.30 The duty member must consider the entire evidential picture:

- Probation assessments
- Risk assessments
- Individual on licence/legal representations
- Victim representations
- Any confidential or non-disclosed material
- Any other information provided in the dossier

16.31 A duty member cannot simply focus on the original request that prompted the referral. Where the COM supports or opposes a variation:

- The duty member must engage with that professional assessment
- If it departs from the COM's recommendation, it must explain why

16.32 Where there is more than one variation being requested (which could be from the COM, individual on licence, or a third-party), the duty member must clearly set out the decision for *each*. It is possible to agree to some of the requests but not others and the decision must make clear which conditions have been approved and which have not. The duty member must differentiate between and consider all requests before it and address each, giving sufficiently clear reasons for rejecting or accepting them.

16.33 The duty member should be mindful that the Board is being asked to consider specific licence variations. In doing so, it may be necessary to consider the licence and its existing conditions as a whole, but the decision concerns only the variations applied for.³³

³³ Paragraph 128 of the Newlove judgment: "For my part, I cannot accept that any request for variation automatically obliges the Parole Board to undertake a comprehensive review of each and every condition and then give a detailed decision with recommendations for maintaining, or removing them as well as for adding any new ones. There would be a very onerous obligation and could significantly delay decisions on variation requests actually made. The starting point in the statutory scheme is always that the Board is responding to a request for variation from someone."

As a result, a duty member can only determine the application in front of them and should not consider varying any other existing condition or adding a new condition not detailed within the request. That is not within the scope of the application. It is the Secretary of State's responsibility to manage an individual's risk while they are on licence. **However, please refer to paragraphs 16.34 and 16.35 for situations where another variation may need to be considered that is not within the current referral.**

- 16.34 The duty member will need to consider the impact of the requested variation on any other licence conditions already in place, for example where an additional condition may make the licence unwieldy. The duty member will need to identify and address any conditions or combination of them that it considers represents a disproportionate interference or breaches the individual's rights under Article 8 of the ECHR.
- 16.35 Where a duty member considers that in order to accept the request, a variation, addition or removal of other conditions that have not been requested is necessary, directions should be made for PPCS to consider amending the application to include additional variations. Fairness requires the parties to be given the opportunity to make representations before the duty member makes their decision. An adjournment will likely be required.
- 16.36 Where a condition cannot be put in place (for example, the individual is not eligible) and a request to remove it has been made, the duty member will need to be satisfied that the original risk/s that were to be managed by that condition have been considered, and alternative management strategies have been recommended. For example, release to an Approved Premises may no longer be feasible and the condition is to be removed. In such situations, it is important that sufficient information is provided on alternatives and the impact on risk.

Considering the OBR principles

- 16.37 To comply with common law standards of procedural fairness, the Board should hold an oral hearing **where fairness to the individual requires oral evidence to be heard** in light of the facts of the case and the importance of what is at stake. An oral hearing may be appropriate where:
- Important facts are disputed
 - Credibility is in issue
 - Risk assessment would benefit from oral evidence
 - The individual on licence needs the opportunity to challenge adverse assertions
 - Victim concerns need exploration
 - Significant liberty-impacting restrictions are proposed
- 16.38 The duty member will need to consider what is fair in the circumstances and apply the *OBR principles* set out in paragraphs 10.8 to 10.11 above. Fairness will not require an oral hearing in every case, and it may be possible to determine the review fairly on the papers.

16.39 Licence variations can often be time sensitive where the purpose is to address an imminent escalation of risk. **Where risk is escalating or an urgent safeguarding concern arises, a decision on the papers can provide an immediate and proportionate response; waiting for an oral hearing may delay the implementation of necessary controls and leave identified risks insufficiently managed during the intervening period.** Where a conclusion is made on the papers, the decision must set out how the *OBR principles* were considered.

16.40 Where an oral hearing is considered necessary to properly consider the matter, directions will need to be issued on the MCA Template. The MCA template provides the best functionality for issuing directions and setting logistics for the hearing.

16.41 The duty member should refer to advice set out in the *MCA Guidance*.

Determining whether a licence variation is justified

16.42 When considering an application to vary a licence, the duty member will need to bear in mind that additional licence conditions are intended to:

- a) Assist the individual's successful integration into the community
- b) Prevent further re-offending
- c) Ensure the protection of the public

16.43 Additional conditions are added where standard conditions are not sufficient for this purpose.

16.44 The judgment reinforces the established principles that licence conditions must be necessary and proportionate, reasonable, and no more restrictive than to manage risk. They must be preventative not punitive.

16.45 The duty member will need to consider the urgency of the requested variation. It may be that the variation is required to manage an **imminent escalation in risk which is time sensitive and is an alternative to recall.**

16.46 Alternatively, it may be that the variation has been requested to adapt the licence on a longer-term basis or to remove conditions no longer needed.

16.47 Before varying a licence, the duty member should ask:

- What risk is this condition addressing?
- What legitimate aim is being pursued?
- What impact will the condition have on the individual's life?
- Could a less restrictive condition achieve the same aim?
- Is the restriction proportionate when balanced against the risk?

16.48 It is not sufficient to merely state that conditions are "necessary and proportionate" without demonstrating the reasoning behind that conclusion.

16.49 The judgment confirmed that the variation request **does not** trigger a complete review of every licence condition. However, the duty member must still:

- Look beyond the specific condition under consideration where necessary
- Consider cumulative impact
- Ensure the conditions collectively remain proportionate

16.50 For example, adding further exclusion zones may require consideration of whether existing exclusion zones should be modified or removed.

16.51 **The duty member will need to take all factors and representations into account and use their judgement to determine whether the requested variation can be justified.**

Potential Difficulties

16.52 If the *Licence Variation Report* or SHRF does not provide sufficient detailed information, or alternative proposals are not suitable, the duty member should direct further information using the Duty Member Form and select the "duty member directions" from the drop-down menu. Alternatively, they may decide to direct an oral hearing or refuse the application.

16.53 It will be for the Secretary of State to manage the risk, either by finding a way to comply with the licence condition or proposing a suitable alternative.

16.54 Where the Secretary of State is unable to resolve the problem (for example, an AP is not possible), and the duty member does not consider alternative proposals to be acceptable, PPCS should be asked to confirm if they intend to make a set aside application in cases where the individual has not yet been released. If PPCS do not wish to do so, and the duty member considers that the release decision would not have been made if the panel were aware of this information, they can initiate the set aside process. Please see the *Set Aside Guidance* for more information.

16.55 Where the individual is on licence and the variation request cannot be agreed, there may be no alternative other than to initiate a recall, particularly where the risk has escalated.

Writing the decision

16.56 The judgment provided advice in terms of writing the decision which are relevant whether the matter is decided on the papers or at oral hearing. At paragraph 167, the judgment provided a set of requirements about what a defensible licence variation decision should cover:

Identify:

- Every variation request before the panel or duty member
- The evidence relied upon
- The relevant risks to be managed

Address:

- Any factual disputes
- Probation recommendations
- Individual on licence representations
- Victim requests

Explain:

- Why risks have been accepted or rejected
- Why the Board agrees or disagrees with Probation
- Why conditions are necessary
- Why conditions are proportionate
- Why less restrictive options are insufficient

Demonstrate:

- Consideration of Article 8/private life implications where relevant
- Consideration of cumulative impact of conditions
- Balancing of public protection and individual rights

Conclude:

- Separately on every requested variation
- With reasons clear enough for the individual on licence, victims, Probation and a reviewing court to understand
- Refer to all legal/other submissions received and reasons for conclusion on salient points

16.57 If concluding on the papers, the decision will need to clearly set out that *OBR principles* were considered. The duty member should use the Duty Member Form and select "Licence Condition Variation Request" from the drop-down menu and then the most appropriate outcome:

- Licence condition varied
- Licence condition revoked
- Licence condition unchanged
- Add new licence condition

16.58 In some cases, it may be clearer to complete the decision on the SHRF, particularly where there are multiple requests.

16.59 Where the case is determined at oral hearing the relevant guidance should be followed.

17 Requests to suspend supervision of a life sentence licence

- 17.1 Duty members consider applications to suspend supervision on a life sentence licence. Only the Board has the power to suspend this element of a life sentence licence.³⁴
- 17.2 **HMPPS will hold a Community Lifer Progression Panel to review the supervision and will only refer the matter to the Board where there is support for the suspension of supervision.** A Community Lifer Progression Panel will only consider applications from COMs to suspend supervision of a life licence after 10 continuous years have been spent in the community.
- 17.3 Where an individual on licence is recalled to custody, the continuous years' timeframe starts again i.e. 10 years from the point of re-release.
- 17.4 A Community Lifer Progression Panel may consider cases for suspension of supervision ahead of the 10-year point, only where exceptional circumstances have been evidenced.
- 17.5 HMPPS has published two Policy Frameworks that provide guidance for practitioners. These are:
- Supervision of Indeterminate Sentences Policy Framework
 - Progression Panels for Indeterminate Sentences Policy Framework
- 17.6 The COM will need to complete a "*Request for Suspension of Supervision of ISP Licence*". Both the Policy Frameworks and the form can be found on SharePoint: *Suspension of Supervision*.
- 17.7 PPCS is responsible for compiling and formally referring the case to the Board. **Unless there are exceptional circumstances, PPCS must not submit the referral until the individual's representations have been received, or, if none have been received, until the seven-day deadline for representations has expired.** The duty member should therefore check that these are available.
- 17.8 **When considering these requests, the duty member should make a determination about whether there will be an impact on protecting the public by removing supervision from the licence.** If the impact on public protection is more than minimal then it may not be appropriate to agree the request.
- 17.9 The duty member should set out their decision on the Duty Member Form and select "licence condition variation request" and then one of the following:
- Supervision suspended, or
 - Licence condition unchanged
- 17.10 The duty member has the option to send the case to an oral hearing to reach a final decision on whether supervision should be suspended. **It is**

³⁴ Requests to suspend supervision of an IPP licence are now managed by the IPP Taskforce. Information can be found in the IPP Guidance.

expected that an oral hearing will rarely be required. The decision should set out that the *OBR principles* have been considered if concluding on the papers. Where an oral hearing is considered necessary to properly consider the matter, directions will need to be issued on the MCA Template. The MCA template provides the best functionality for issuing directions and setting logistics for the hearing.

17.11 Suspension of supervision should not be confused with the frequency of supervision, which is at the discretion of the Probation Service and the relevant Community Lifer Progression Panel. The Board should not receive variation requests relating to frequency of supervision.

17.12 The Board has no involvement in varying or suspending the supervision of determinate sentence licences.

18 Reimposition of supervision for a life sentence licence

18.1 The duty member may receive requests to reimpose supervision for a life sentence licence.³⁵

18.2 Where it is considered that an individual's risk can no longer be safely managed in the community without supervision, it is the responsibility of the COM to request via PPCS that supervision is re-imposed on a licence. This may be considered in cases where recall is not deemed necessary on the grounds of public protection, but:

- Behaviour has given cause for concern
- There has been a conviction for a further offence
- The individual's domestic circumstances have changed
- Mental health has deteriorated to a point where there is no alternative but to reimpose active supervision

18.3 Where it is deemed appropriate to reinstate active supervision of an individual serving a life sentence, a Community Lifer Progression Panel will be convened to consider the evidence and to take a decision on whether a formal application should be submitted to the Board for a decision.

18.4 Victims will not be notified about the application as it should not directly affect them, but they will be told if the supervision element is re-instated.

18.5 The application must be submitted on a *Re-imposition of Supervision Report* as set out in the *Supervision of Indeterminate Sentences Policy Framework*.³⁶

18.6 PPCS is responsible for compiling and formally referring the case to the Board. Unless there are exceptional circumstances, PPCS must not submit the referral until the individual's representations have been received, or, if none have been received, until the seven-day deadline for representations

³⁵ Requests to reimpose supervision for an IPP licence are now managed by the IPP Taskforce. Information can be found in the IPP Guidance.

³⁶ [Supervision of Indeterminate Sentences Policy Framework](#).

has expired. The duty member should therefore check that these are available and issue directions if required. **It is important that representations from the individual are considered.**

- 18.7 The duty member should set out their decision on the Duty Member Form and select "licence condition variation request" and then one of the following:
- Licence condition varied
 - Licence condition unchanged
- 18.8 The duty member has the option to send the case to an oral hearing to reach a final decision on whether supervision should be re-imposed, where it is deemed necessary. **It will be important to understand whether the re-imposition of supervision is required to manage an imminent escalation of risk.** If so, there may be insufficient time for an oral hearing. The decision should set out that the *OBR principles* have been considered if concluding on the papers. Where an oral hearing is considered necessary to properly consider the matter, directions will need to be issued on the MCA Template. The MCA template provides the best functionality for issuing directions and setting logistics for the hearing.
- 18.9 It should be noted that if the application to re-impose supervision is not agreed the Probation Service will continue to keep the individual's case under review. In the event that it is considered that the individual cannot be managed without supervision then the Probation Service may make a further application to the Parole Board.

19 Re-exercise of delegated function

- 19.1 Section 73(3) of the Victims and Prisoners Act introduced new and extended delegated powers to the Parole Board's staff to undertake a number of case management and non-judicial decisions.

- 19.2 Rule 4: Delegation and appointment of functions sets out:

4 (3) The Board chair may delegate the following functions to the Board's members of staff—

(a) the appointment of panels under rule 5;

...

(c) a direction that the case should proceed directly to an oral hearing under rule 19(1)(c)

(d) the variation or revocation of any direction made under rule 6;

(e) the making of directions specified in rule 6(3);

(f) the adjournment or deferral of proceedings under rule 6(11);

(g) the alteration of a time limit under rule 9;

(h) the production of a summary under rule 27(1);

(i) the making of directions under rule 6 so far as relating to whether to permit a third party observer to read out a Victim Personal Statement on behalf of a victim;

(j) the making of directions whether to hold case management conferences under rule 7 for the purposes of exercising the functions delegated under this rule;

(k) the determination of an application made under rule 14(1) (for a party to be accompanied by an observer to an oral hearing) or rule 14(4B) (for admittance to an oral hearing as an observer).

- 19.3 Rule 4(4) enables a party to apply for a decision made under delegated powers to be retaken by the panel chair or duty member. This is called **automatic re-exercise**.
- 19.4 An application to retake a decision must be submitted by the party within 14 days of the original decision being made. A request to vary this timeframe can be made under rule 9.
- 19.5 An application for an automatic re-exercise **is not permitted** for delegated functions made about the appointment of panels 4(3)(a) or the production of a summary 4(3)(h).
- 19.6 A request to retake a decision made under delegated functions should be submitted using an SHRF. The SHRF should include:
 - The details of the decision to be retaken
 - The reasons why the original decision requires retaking
 - An explanation of where any circumstances have changed
 - Any alternative decision that should have been made, and why
 - Whether the matter is urgent and time sensitive
- 19.7 There should be sufficient detail to enable the duty member to make a new decision without directing further information.
- 19.8 The SHRF should confirm that both parties are aware of the request and that the other party to the one making the request has had the opportunity to submit representations. If this is not clear, clarification from the party who submitted the SHRF can be requested.
- 19.9 The completed SHRF will be submitted to the duty member to determine (unless it is within eight weeks of an oral hearing in which case the panel chair should consider the request). The duty member may:
 - Dismiss the request and uphold the original decision
 - Make a new decision that will put aside the original decision
- 19.10 A duty member may use the SHRF response section to record their decision, or they can set out their reasons and any new directions in greater detail using the Duty Member form. Clear reasons must be given for their decision.
- 19.11 Re-exercise applications should be determined as swiftly as possible, however, there is no time limit for the duty member to consider such applications. Good practice would be to make a new decision within 14 days but this may need to be more promptly if the matter is urgent.

19.12 It should be noted that until a new decision is made the original decision stands.

19.13 **These changes are being introduced in a phased approach in 2026.** Once implemented, the duty member may receive requests to undertake an automatic re-exercise on any of the delegated functions set out in paragraph 19.2.

20 **Duty member activities table**

The duty member activities table below sets out the common types of requests considered by the duty member.

REQUEST	EXAMPLE	WHAT DUTY MEMBERS CAN DO	USE TEMPLATE *	WHAT DUTY MEMBERS SHOULD NOT DO
5: To opt out of the parole review	Prisoner submits a note declining to take part in the parole process	Applying OBR principles, (a) send the case to an MCA panel to consider (if it is pre-MCA) (b) issue directions for an oral hearing, given that a hearing can be staged without the prisoner being present (rule 24(1A)) (c) conclude on the papers using rule 21	(a) Email to the case manager (b) Duty member directions template (c) Paper decision template	- Abandon a parole review (the Board is under a duty to make a decision) - Conclude on the papers without considering the OBR principles
6: To defer the parole review	A party applies to defer a hearing: for example, to allow a programme to be completed and reports submitted	Check with Listings Team when a hearing is scheduled: (a) if reasons are valid, defer for specified period and adjust directions as necessary; or (b) refuse a deferral with reasons	Duty member directions template, or response section of the Stakeholder Response Form (SHRF) **	- Determine the matter if PPCS or the legal representative has not been made aware of the request [e.g. the application has come direct to the Board from a community offender manager] - Adjourn the matter to yourself at a later date
7: Not to disclose material	PPCS applies for non-disclosure of information to the prisoner	Parole Board Rules apply. Check the proposed oral hearing date, if this is within 8 weeks, the request is to be sent to the panel chair. Please refer to the Non-Disclosure Applications guidance.	Duty member non-disclosure application template	- Withholding information is the exception rather than the rule - Rule 17 now requires a gist to be provided if information is to be withheld - Information should not usually be withheld from the representative even if non-disclosure to the prisoner is justified

8: To otherwise revoke or vary existing directions	Request to extend deadlines or change a witness nomination	If reasons are valid, vary deadlines for reports, defer a scheduled oral hearing, or amend participant details	Duty member directions variation request template or the SHRF **	- Defer an oral hearing for more than four months unless compelling reasons can be shown to apply - Reverse a previous decision made about concluding under rule 21
9: To review a case and advise on its progression	Case manager has reached an impasse in obtaining directed information or deploying a named witness	Identify the sticking point and reiterate, clarify or revoke existing directions: if needed, issue additional directions	Duty member directions template	- Determine the case themselves
To set directions after a successful legal challenge following Judicial Review ³⁷	A parole decision is quashed as a result of Judicial Review, or the Parole Board concedes procedural error	Set directions for the new oral hearing that has been ordered	Duty member directions template	- Enquire about the reasons for a legal challenge or its success - Refer to or imply such reasons or circumstances in directions - This does not include successful reconsideration or set aside applications
10: For an oral hearing under rule 20/after the MCA decision has been issued	Representations (to be submitted within 28 days from the day the decision is sent (rather than the receipt of the decision by the prisoner) offering new information or other grounds for directing an oral hearing	Parole Board Rules apply. Applying the OBR principles (a) grant a hearing and set full directions or (b) refuse a hearing with reasons	(a) MCA directions template (b) Duty member oral hearing request template	- Review an MCA decision they issued - Undertake a fresh MCA review of the case - Direct a hearing when there are less than 26 weeks to SED for a determinate sentence case³⁸ - Defer or adjourn the case for further evidence as rule 20(8) does not permit this - Not consider an application made outside of the 28-day timeframe (or any extension) as rule 20(8) does not permit this

³⁷ Please see *Guidance on Judicial Reviews and Private Law Claims* for further advice.

³⁸ The duty member may wish to adopt a similar position where the CRD for an EDS prisoner is less than 26 weeks away.

11: To expedite or prioritise a case - either at MCA or oral hearing	A party applies for the listing of the case to be prioritised or expedited	Follow guidance and take account of policies on expedition and prioritisation to determine if exceptional circumstances warrant a prioritised or expedited listing	Duty member directions template or the SHRF **	- Do not agree to expedite or prioritise simply because it has been requested by one of the parties - Do not expedite a case at the MCA stage as by default a prioritisation will ensure it is added to the next available MCA bundle being issued
12: Combining reviews	A party requests that two active reviews be combined	Approve the request to combine the review or refuse the request and the reviews continue separately	Duty member directions template	- Determine the decision in either review - Indicate the likely outcome in either review - Consider the request if it is within eight weeks of an oral hearing for one of the referrals as the panel chair should decide the matter
13: Conclude on the papers following a direction for an oral hearing at MCA	A party requests that an oral hearing is no longer required and asks for the case to be concluded on the papers	Parole Board Rules apply. Conclude on the papers (after considering all representations) Or direct the hearing to progress to oral hearing	Duty member directions template or the decision template	- Conclude on the papers without seeking representations - Send the case back to the original MCA panel – if the duty member does not have capacity to write a paper decision it must go to another panel (usually a duty member) appointed under rule 5(3)
14: For early release on compassionate grounds	The Secretary of State seeks advice on release on compassionate grounds	To recommend / not recommend or (if necessary) direct an oral hearing or additional evidence	Duty member directions template	- Institute lengthy procedures (such as an oral hearing) that could unduly extend matters in a time-critical situation - Cannot direct release as the referral is for advice only
15: Extension / reduction request for a reconsideration application	The Secretary of State or prisoner requests an extension / reduction	(a) Consider the application for an extension/ reduction (b) Grant the application for an extension/ reduction	Duty member directions template	- Consider the application for reconsideration - Consider requests made by anyone other than the prisoner (or their representative) or the Secretary of State)

		(c) Refuse the application for an extension/reduction		- Make a decision on an application received after the 21-day period for application³⁹ - Make a decision on an application where the application for reconsideration has been considered and decision issued
16: To consider variation or removal of an existing licence condition (general)	The Secretary of State formally asks for advice about additional licence requirements or cancellation of existing conditions	(a) If the evidence justifies change, set out the advice (which must be followed by the Secretary of State) with reasons, subject to any representations (b) if insufficient evidence has been provided, direct further information. Non-standard conditions can be left on a life licence even if supervisory elements are removed	(a) Duty member licence condition variation request template, different conditions being separated or the SHRF ** (b) Duty member directions template if setting directions for more information c) MCA Directions template if directing an oral hearing	- A duty member can reasonably suggest varying the wording of proposed changes but not add conditions which have not been requested - Re-open a decision that has already been made - Accept or deal with a request made by an individual on licence or their representative or another person unless it has come via PPCS - Send the case to an oral hearing unless fairness requires one
17: Suspension of supervision of a life sentence	The Secretary of State formally asks for advice about suspension of supervision of a life sentence	(a) Set out decision to suspend supervision or leave the licence unchanged (b) Send the case to an oral hearing to reach a final decision on whether supervision should be suspended	(a) Duty member licence condition variation request template (b) Duty member directions template (b) Duty member directions template if setting directions for more information c) MCA Directions template if directing an oral hearing	- Send the case to an oral hearing unless fairness requires one - Consider variation to the frequency of supervision - Vary or suspend the supervision of determinate sentence licences

³⁹ Reconsideration application timeframes - the timeframe starts from when the decision was sent rather than received.

18: Reimposition of supervision for a life sentence licence	The Secretary of State formally asks for advice about reimposition of supervision of a life sentence	(a) Set out decision to re-impose supervision or leave the licence unchanged (b) Send the case to an oral hearing to reach a final decision on whether supervision should be reimposed	(a) Duty member licence condition variation request template (b) Duty member directions template (b) Duty member directions template if setting directions for more information c) MCA Directions template if directing an oral hearing	- Send the case to an oral hearing unless fairness requires one
19: Re-exercise of function	A party may apply for a decision made under delegated powers to be re-made by a duty member (within 14 days of the decision)	Re-make the decision made under delegated authority	(a) Duty member directions template	- Re-make decisions that are not permitted for delegated functions on the appointment of panels or the production of a summary

* In all but a few circumstances indicated in the table, the duty member should use the **Duty Member Form**. Use the **Duty Member Quick Fill** function to locate the appropriate Duty Member template:

- ✓ Duty Member **Directions**
- ✓ Duty Member **Licence Condition Variation request**
- ✓ Duty Member **Directions Variation request**
- ✓ Duty Member **Oral Hearing request**
- ✓ Duty Member **Non-Disclosure application**

** Alternatively, the **SHRF** submitted by PPCS or the prisoner/representative may be used to record the duty member's decisions regarding requests to defer a hearing, to revoke or vary directions, to expedite or prioritise listing, and to vary licence conditions.