HM Prison & Probation Service

Ministry of Justice

Policy name: Generic Parole Process Policy Framework

Re-issue Date: 19 November 2026 **Implementation Date**: 27 January 2020

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:

- PSI 22/2015 - PI 2015-14 – AI 11/2015 - Generic Parole Process for Indeterminate and determinate sentenced prisoners (GPP)
- PSI 18/2012 – PI 11/2012 - AI 05/2012 - Tariff Expired Removal Scheme (TERS)
- PSI 12/2016 – Writing Healthcare Reports for The Parole and Recall Process
- PSI 36/2013 – Transcripts of Sentencing Remarks (Court Transcripts)

Introduces amendments to the following documents: N/A

Action required by:

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

Mandatory Actions: All groups cited above must comply with the Requirements Section of this Policy Framework, which contains all mandatory actions. Whilst this Framework sets out the actions for which the Parole Board is responsible, the Framework does not bind the Parole Board in any way as it is an internal policy document of the Ministry of Justice.

For Information: Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010). All groups must ensure that when handling personal data, they must have comprehensive and proportionate arrangements for collecting, storing, and sharing information, as set out in Information Requests Policy Framework, General Data Protection Regulation, The Freedom of Information Act 2000, Environmental Information Regulations 2004. For any data protection enquiries please contact dataprotection@justice.gov.uk. For information on raising a complaint about the HM Prison and Probation Service, refer to Complaints procedure - HM Prison and Probation Service.

All references to “prisoner” within this Framework also refer to those young individuals/children who are in custody and are subject to any of the sentences detailed in section 6.1.1).

All references to “prison” within this Framework also refer to those establishments that hold young individuals/children (who are in custody and are subject to any of the sentences detailed in section 6.1.1) including Secure Training Centres, Secure Children’s Homes and Secure Schools.

All actions for the Probation Practitioner also refer to the Youth Justice Service (YJS) Case Manager where the child is managed by the YJS.

Unless otherwise specified, the institution identified as responsible for an action must ensure that the action is completed and may determine which appropriate member of staff will undertake it.

Audit/monitoring: HMPPS Prison Group Directors, the Director of the Probation Service and YJS in England and Director of HMPPS in Wales, will monitor compliance with the mandatory requirements set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated requirements as required in the contract.

Resource impact: The majority of requirements laid out in this Framework are designed to have a minimal impact on resources. Within this Framework there are a number of revised processes that largely do not have resource implications for prisons or the Probation Service. The overriding objective of this Framework is to facilitate the delivery of timely parole reviews with the aim of reducing the number of addendum reports required and fewer directions. A timely parole review where the Parole Board directs release will have a positive impact in terms of prison population pressures.

There are resource implications for HMPPS arising from the introduction of the Parole Board Reconsideration Mechanism in July 2019. It has been confirmed that the resource implications for the Probation Service and Prisons are resourced within the Offender Management in Custody (OMiC) model.

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Specific Operational Queries

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National Security Casework Team - NationalSecurityCasework@justice.gov.uk

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Specialist Casework Team - Pre-releaseteama@justice.gov.uk
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1. Purpose

1.1 The purpose of this Framework is to set out the mandatory actions which the Probation Service, Youth Offending Team and prison establishments must complete for all parole eligible prisoners to ensure the timely and efficient completion of the Generic Parole Process (GPP).

2. Outcomes

2.1 This Framework aims to achieve the following:

- A HMPPS contribution to the parole process for all parole eligible prisoners that is streamlined and efficient, which eliminates nugatory work, which offers clear lines of responsibility and accountability, and which is easily understood by those it affects;
- To provide all participants with clear timescales for their part of the process;
- A HMPPS dossier for the Parole Board which provides a robust and current assessment of the prisoner's risk, and which is comprised of good quality reports produced by HMPPS Report Writers with a good understanding of the case, thereby assisting the Parole Board to make an informed decision;
- To support a parole process which minimises the potential for delays in order to ensure that prisoners are not detained any longer than is necessary to protect the public;
- A parole process which facilitates the timely and efficient disclosure of information to enable the prisoner to submit representations to the Parole Board;
- To ensure that governors and relevant staff have a clear understanding of the expectation to provide written evidence and also to attend the oral hearing in person when needed;
- To ensure that governors and relevant staff have a clear understanding of the nature of the evidence that healthcare staff are expected to provide for the Parole Board review;
- Early identification of indeterminate sentenced Foreign National prisoners (IFNPs) to ensure the prisoner's timely deportation on or after tariff expiry.
- To ensure a transparent process for prisoners and staff in HMPPS and Immigration Enforcement, with effective ongoing communication between the Public Protection Casework Section (PPCS), prisons, the Probation Service and Immigration Enforcement.
- Early identification of those indeterminate sentenced prisoners who are returning to custody on discharge from detention under the Mental Health Act 1983 to ensure the timely review of the prisoner's suitability for progression by the Parole Board.
- To provide victims with clear and relevant information regarding the GPP to ensure they are informed of developments as required; and
- To provide a clear and effective process in order to ensure the effective delivery of the Reconsideration Mechanism.

3. Safety Considerations for Parole Eligible Prisoners

3.1 Prisoners experiencing a parole review may present an increased risk of self-harm, or suicide or violent behaviour due to uncertainty and concerns regarding their progression to release. Staff must ensure that prisoners are informed of their rights and understand the parole process and how it pertains to them.

3.2 Prisons must ensure that all relevant information, reports and Parole Board decisions are communicated to prisoners promptly and clearly, as effective information sharing is essential for safety, transparency and the fair management of the parole process.

3.3 Staff must be aware that the parole process can be a stressful experience for prisoners and may increase the risk of self-harm or suicide. It is important to be alert for any signs that the prisoner's risk of harm to themselves has increased throughout the process. There is also a risk that a prisoner may become violent to staff or other prisoners. More details of how to manage these situations are in the Prison Safety Policy Framework.

3.5 Prisons must consider the safety of staff and take appropriate safeguarding action where a prisoner poses an increased risk to staff or others.

3.6 Decisions relating to parole, i.e. release, no release or recommendations to open conditions must be communicated sensitively and with consideration of the individual's circumstances and needs. Staff must complete and record a proportionate safety check **before** communicating a potentially destabilising outcome decision.

3.7 All parole decisions must be delivered in person by the POM, or in their absence, another appropriately-briefed member of staff. This enables an accurate assessment of any apparent immediate risk of harm to themselves or others and that relevant staff are informed when significant news is given so they can monitor any behavioural changes. This applies to all prisoners, not only those supported through Assessment, Care in Custody and Teamwork (ACCT) case management.

3.8 Staff must consider a CSIP referral if they believe there is a heightened risk of violence or if the prisoner engages in violence.

3.9 Staff must ensure that parole decisions are communicated in a manner consistent with procedural justice principles, ensuring prisoners are treated fairly, respectfully and with dignity. Extra care must be taken if the prisoner is currently being supported under the ACCT plan process.

4. Requirements

PART 1 – POST-SENTENCE AND PRIOR TO FIRST PAROLE BOARD REVIEW

4.1 Newly Sentenced Indeterminate and Parole Eligible Determinate Sentenced Prisoners

This section outlines the requirements and actions that need to be taken by prisons for all parole eligible prisoners following their sentencing and up to the point of their first Parole Board review to ensure the correct calculation of the prisoner's review dates.

Identification of Newly Sentenced Parole Eligible Determinate Prisoners		**Action By**
4.1.1	Prisons must have in place procedures to identify any parole eligible determinate sentenced prisoners immediately upon reception after sentencing. Upon identification, prisons must notify PPCS within seven calendar days, via email to pre-releaseteamA@justice.gov.uk, along with a scanned copy of the Order for Imprisonment. The prison must provide any other documentation that is requested by PPCS (see guidance paragraph 6.1.5).	Prison
4.1.2	Prisons are responsible for calculating the sentence of all determinate sentenced prisoners.	Prison
4.1.3	Upon notification of a newly sentenced parole eligible determinate sentenced prisoner, PPCS will set the prisoner's pre-tariff review date and update PPUD (Public Protection Unit Database) in line with the key dates on Digital Prison Service (DPS).	PPCS

4.1.4	PPCS is responsible for ensuring that they have received a transcript of the sentencing remarks from the court transcriber.	PPCS
Identification of Newly Sentenced Indeterminate Sentenced Prisoners (ISP)		**Action By**
4.1.5	Prisons must have in place procedures to identify any ISPs immediately upon reception after sentencing.	Prison
4.1.6	Upon identification prisons must notify PPCS by submitting a completed LISP1 form and emailing it to prereleaseteamA@justice.gov.uk within seven calendar days of sentencing. The prison must provide a copy of the Order for Imprisonment, previous convictions and any other documentation that is requested by PPCS (see guidance paragraph 6.1.5).	Prison PPCS
4.1.7	Prisons must identify in the LISP1 form whether the prisoner is a Foreign National and, if so, that prisoner's nationality (see requirement paragraph 4.3.3). PPCS will flag this information on PPUD.	Prison PPCS
4.1.8	PPCS will obtain the sentencing remarks, calculate the tariff expiry date (TED) and set the pre-tariff and on-tariff review date. PPCS will notify the prison of the TED and the pre-tariff review date.	PPCS
4.1.9	Prisons must ensure that a copy of the notification is disclosed to the prisoner within one working day of receipt. Upon receipt of the TED notification, the prison must ensure the prisoner is informed as soon as possible.	Prison
4.1.10	On receipt of an ISP's TED, prisons must update P-NOMIS with the prisoner's TED.	Prison
4.1.11	Prisons must follow the requirements set out in paragraphs 5.1 to 5.10 of the TERS Policy Framework in relation to IFNPs under consideration for TERS.	Prison
4.1.12	Prisons must follow the requirements set out in chapter 4.3 of this framework in relation to pre-tariff reviews for ISPs.	Prison
4.1.13	Prisons must inform Home Office Immigration Enforcement (HOIE) of all IFNPs within five working days of sentencing, using the Criminal Casework (CC) referral form. The holding establishment must send the form to the HOIE CC Workflow team email address: ImmigrationMAPPASPOC@homeoffice.gov.uk, copied to PPCS via the functional mailbox (FMB): pre-releaseteamA@justice.gov.uk	Prison
4.1.14	PPCS is responsible for informing the prison and HOIE of the TED. PPCS is responsible for ensuring that any subsequent change to the TED (e.g. following an appeal) is disclosed to the prison and HOIE.	PPCS
Prison Calculation of Earliest Release Date following further sentence		**Action By**
4.1.15	If an IFNP is given a further determinate custodial sentence or default term for non-payment of a confiscation order then the prison must calculate the earliest release date and notify PPCS via the FMB: pre-releaseteamA@justice.gov.uk. Where the further sentence affects the point at which the prisoner may lawfully be removed under TERS, PPCS will determine the earliest date of removal and notify the relevant parties. For further information, see the Multiple Sentences chapter of the TERS Policy Framework.	Prison

Changes of Sentence (Indeterminate Sentenced Prisoners and Parole Eligible Determinate Sentenced Prisoners)		Action By
4.1.16	Prisons must notify PPCS via email, pre-releaseteamA@justice.gov.uk, if the sentence of any parole eligible prisoner changes during their time in custody or if their sentence was initially recorded incorrectly, for example, if a prisoner receives a new sentence, has their conviction/sentence changed on appeal, has Additional Days Awarded (ADA), if their key dates have changed due to a sentence re-calculation, or if they are made subject to a confiscation order.	Prison
4.1.17	When a prisoner receives a new sentence, prisons must obtain an updated copy of their previous convictions (pre-cons) which includes the new sentence. In cases where the prisoner has an active parole review, this document must be added to their parole dossier.	Prison
4.1.18	**Indeterminate Sentenced Prisoners only:** Upon receipt of the notification of a new indeterminate sentence, PPCS is responsible for recalculating the tariff expiry date and notifying the prison of the change in dates.	PPCS
4.1.19	**Indeterminate Sentenced Prisoners only:** Upon receipt of the notification of a new determinate sentence, prisons must recalculate the earliest release date and notify PPCS of the change in dates.	Prison
4.1.20	**Parole Eligible Determinate Sentenced Prisoners receiving new determinate sentences only:** Prisons must recalculate the key dates (including the PED) and notify PPCS via pre-releaseteama@justice.gov.uk of these dates.	Prison
4.1.21	Prisons must ensure that the prisoner is notified of this change to the TED/PED within one working day of receipt.	Prison
4.1.22	If the prisoner's Parole review is underway, PPCS will amend the dossier to reflect the new TED/PED or cancel the review if the new sentence dates render the prisoner ineligible for a review at that time. With indeterminate sentenced cases, if a prisoner has received a new determinate sentence and the earliest point of potential release (i.e., the CRD or PED) of the new sentence renders the prisoner ineligible for a review of release, PPCS will set up a review in line with the new earliest date of eligibility for parole[1]. Prisoners may be eligible for an earlier Parole Board review to consider suitability for transfer to open conditions. Eligibility for such a review will be considered by PPCS. In deciding whether such a review should be arranged, PPCS will consider the time remaining until the prisoner's earliest release eligibility date. They will not be referred to the Parole Board for consideration of release until the CRD or PED of the new determinate sentence.	PPCS

[1] Section 33A of the Crime (Sentences) Act 1997 provides that there is no obligation on the Secretary of State to refer the offender to the Parole Board until they are eligible for release from the fixed term sentence.

4.1.23	PPCS will notify the Parole Board when a review for a referred case is cancelled or withdrawn.	PPCS
4.1.24	Where a parole-eligible prisoner has appealed against conviction or sentence, PPCS will acquire a transcript of the judgement, from the Court of Appeal and the application for appeal. The prison must provide PPCS with a copy of any additional documents relating to the appeal via email, pre-releaseteamA@justice.gov.uk	PPCS Prison

4.2 Minimum Term Reviews for Prisoners sentenced to detention at His Majesty's Pleasure (HMP)

This section of the framework applies to prisoners who have been sentenced to be detained at HMP and who were under 18 at the date of sentence. It allows eligible prisoners who are approaching or have passed the halfway point of their tariff to request a reduction to their tariff.

Applications for HMP Minimum Term Review		**Action By**
4.2.1	PPCS will notify an eligible prisoner that they may apply for a reduction in their tariff when they have served half of their minimum term.	PPCS
4.2.2	The prison must ensure that a copy of the notification is disclosed to the prisoner within one working day of receipt.	Prison
4.2.3	If the prisoner confirms that they would like to make an application for a reduction in their tariff, upon receipt of notification from the prison PPCS will prepare a core dossier, which will be disclosed to the prison.	PPCS Prison
4.2.4	Within 12 weeks of disclosure of the core dossier, prisons must complete a new Tariff Assessment Report (TAR), which must be uploaded along with any supporting documentation to the core dossier. For further information see constraint paragraph 5.1.3 and guidance paragraph 6.2.3. PPCS will also notify the POM and VLO that the prisoner has confirmed that they wish to submit an application. The VLO should contact the victim to ascertain whether they wish to submit a VPS.	Prison
4.2.5	Once the full dossier is compiled the prison must disclose the dossier to the prisoner, giving them 30 days to submit any representations directly to PPCS.	Prison
4.2.6	On receipt of the prisoner's representations, PPCS will consider the application and unless they form the view that the application is frivolous or vexatious, they must refer it to the High Court. This will include contact details for the VLO, for the High Court to copy into their decision. Where PPCS decide not to refer the case to the High Court, they will notify the prison of this decision (including the reasons). PPCS will also confirm whether the prisoner is eligible to apply for a further review (Please see constraint paragraph 5.1.2 and guidance paragraph 6.2.3). The prison must ensure that this decision not to refer the case (including the reasons) are disclosed to the prisoner within one working day of receipt.	PPCS Prison

4.2.7	When the case has been submitted to the High Court, upon receipt of the decision, PPCS will provide the decision to the prison.	PPCS Prison
4.2.8	The prison must ensure that a copy of the High Court decision is disclosed to the prisoner within one working day of receipt.	Prison
4.2.9	When disclosing the decision to the prisoner (whether that is PPCS deciding not to refer, or the High Court decision following a referral), upon receipt of the PPCS notification, the prison must advise the prisoner that they can re-apply, in line with the timescales detailed in the guidance paragraph 6.2.1. Please also see constraint in paragraph 5.1.2.	Prison
4.2.10	Where PPCS have decided not to refer the case to the High Court, upon receipt of further information or representations from the prisoner, PPCS must consider them and either refer the case to the High Court or give notice that the decision not to refer still stands. PPCS is responsible for notifying the prison of their decision. The prison must ensure that this decision is disclosed to the prisoner within one working day of receipt. Where the decision is to refer the case to the High Court, the process should then be followed as detailed above at 4.2.1-4.2.7. For further guidance please see chapter 5.2.	PPCS

PART 2 – PAROLE BOARD REVIEWS

4.3 Pre-Tariff Reviews for Indeterminate Sentenced Prisoners

This section of the Policy Framework only applies to indeterminate sentenced prisoners. All indeterminate sentenced prisoners will have their cases reviewed by the Public Protection Casework Section (PPCS) to assess whether all three of the criteria in the test for open conditions has been met (see guidance 6.7.2) and that there is a reasonable prospect of the Parole Board making a positive recommendation that they progress to open conditions. This takes place before a decision is made about whether a case should be referred to the Parole Board for consideration of the suitability for a move to open conditions.

Pre-Tariff Sift		**Action By**
4.3.1	PPCS will issue a sentence planning review meeting (SPRM) notification three months prior to the commencement of the pre-tariff review. Arranging the SPRM is the responsibility of the establishment and the POM will Chair the meeting (see constraint paragraph 5.2.1).	Prison PPCS
4.3.2	PPCS will notify those indeterminate sentenced prisoners sentenced for terrorist and terrorist connected offences specified in section 247A(2) of the Criminal Justice Act 2003 that they are presumed unsuitable for open conditions (see paragraphs 4.5.17 and 4.5.18).	PPCS
4.3.3	PPCS will consider whether a prisoner is excluded from open conditions and notify the prisoner. (see constraint paragraphs 5.5.1 and 5.5.4).	PPCS
4.3.4	Prisons must alert report writers that a pre-tariff sift is to take place as part of the SPRM.	Prison

4.3.5	All relevant report writers must be invited to the SPRM and, if it is not possible for them to attend, they must provide a written contribution. The POM must chair all SPRMs.	Prison
4.3.6	Where the prison identifies that the prisoner will require documents to be translated for example due to a disability or language barrier, the prison must follow requirement 4.5.9 of this framework.	Prison
4.3.7	The prison must ensure that the SPRM takes place two months before the pre-tariff review process is due to commence to ensure there is sufficient time to complete the pre-tariff sift process.	Prison
4.3.8	The SPRM must consider whether to recommend that a case be referred to the Parole Board for consideration of the prisoner's transfer to open conditions. As part of this consideration, the SPRM must consider whether the first two criteria of the test for a move to open conditions is met (see guidance at 6.7.2).	Prison
4.3.9	Prisoners must have the opportunity to attend the SPRM. They must be notified that an SPRM is to take place during which the consideration of submitting the prisoner's case to a pre-tariff parole review by the Parole Board will be discussed. Reports which are to be considered at the SPRM must be provided to the prisoner as soon as possible beforehand to enable them to submit representations to the meeting.	Prison
SPRMs Not Recommending a Move to Open		**Action By**
4.3.10	Where the SPRM decides not to recommend a move to open conditions prisons must notify PPCS via email within five working days of the SPRM meeting. A copy of the SPRM is not required. In these cases, PPCS will update PPUD and close down the Pre Tariff review.	Prison PPCS
4.3.11	Prisons must notify prisoners of the SPRM decision within one working day. Prisons will provide prisoners with 28 calendar days to submit representations (from the date they are notified of the decision) and upon receipt will be responsible for considering them. If they then decide to recommend open conditions, they must provide the original SPRM and any additional updates to PPCS with reasons why open is now supported. PPCS will decide whether the case should proceed to the Parole Board in line with requirement 4.3.13.	Prisons
SPRMs Recommending a Move to Open		**Action By**
4.3.12	Where the SPRM recommends a move to open conditions, prisons must submit the SPRM full report to PPCS via email within five working days of the meeting. The prison must ensure that a copy of the SPRM full report is disclosed to the prisoner within one working day of completion.	Prison
4.3.13	PPCS is responsible for deciding whether the case proceeds to the Parole Board for a recommendation of suitability for open conditions, and must notify the prisoner of the decision in writing within ten working days of receiving the SPRM record.	PPCS

	As part of this consideration, PPCS will decide whether all three of the criteria in the test for open conditions has been met (see guidance 6.7.2), in addition to whether there is a reasonable prospect of the Parole Board recommending a move to open conditions.	
4.3.14	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.	Prison
Further Pre-Tariff Request		**Action By**
4.3.15	If the SPRM recommends that an Indeterminate Sentenced Prisoner (ISP) merits a further pre-tariff sift after previously being sifted out, or merits a further pre-tariff sift prior to tariff expiry, then the reasons explaining the prisoner's good progress must be recorded in the SPRM minutes (see guidance paragraph 6.3.8). This will only apply to exceptional cases. As part of this consideration, the SPRM must consider whether the first two criteria of the test for a move to open conditions is met (see guidance at 6.7.2).	Prison
4.3.16	The prison must only recommend an exceptional pre-tariff review where there is sufficient time for the review to be concluded before the on-tariff review.	Prison
4.3.17	The prison must give the record of the SPRM to the prisoner and must also forward this to PPCS, who will consider whether the criteria for a pre-tariff review have been met.	Prison PPCS
4.3.18	PPCS is responsible for deciding whether the case proceeds to the Parole Board and must notify the prisoner of the decision in writing within ten working days of receiving the SPRM record. As part of this consideration, PPCS will decide whether all three of the criteria in the test open conditions have been met (see guidance 6.7.2), and that there is a reasonable prospect of the Parole Board recommending a move to open conditions. In these cases, PPCS will notify the prison of the decision which will also confirm the commencement date of the pre-tariff review. The POM must also inform the VLO that the case is being referred to the PB for a pre-tariff review.	PPCS Probation Service Prison
4.3.19	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.	Prison

4.4 Exceptional Transfer to Open Conditions (without reference to the Parole Board)

This section of the Policy Framework only applies to indeterminate sentenced prisoners. In exceptional circumstances, indeterminate sentenced prisoners can be transferred to open conditions without reference to the Parole Board.

Consideration of Exceptional Transfer to Open Conditions		**Action By**
4.4.1	Upon receipt of an application for exceptional transfer to open conditions, PPCS is responsible for assessing whether the application meets the criteria as defined in 6.7.2 of the guidance and issuing a decision to the prisoner (see guidance paragraphs 6.4.4 to 6.4.6 on making an application).	PPCS Prison
4.4.2	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.	Prison
4.4.3	Where PPCS identify that the dossier is not up to date, the prison must provide new reports on the prisoner's progress. In Category A/Restricted Status prisoner's cases, PPCS will request a view from HMPPS report writers on a transfer to open conditions and a copy of the last Category A panel decision to be provided within 5 working days.	Prison PPCS
4.4.4	PPCS is responsible for checking with the VLO to ascertain if there is any victim involvement in the case and, where appropriate, asking whether the victim(s) wish to submit a Victim Personal Statement (VPS). Where the victim wishes to do so, the VPS must be submitted before the application can be considered. For further information please refer to the Handling Sensitive Information Policy Framework.	PPCS Probation Service
Application Accepted		**Action By**
4.4.5	Where a parole review is underway, PPCS is responsible for ensuring that the Parole Board is notified immediately.	PPCS
4.4.6	Upon receipt of the notification the prison must arrange a transfer in the same way as following an accepted recommendation (see requirement paragraph 4.7.13).	Prison
Application Rejected		**Action By**
4.4.7	PPCS is responsible for notifying the Parole Board, prisoner and legal representative within 14 working days.	PPCS
4.4.8	Where the prisoner decides to appeal the decision, the appeal must be considered by PPCS.	PPCS
4.4.9	If the appeal is upheld, the case will be reconsidered as an exceptional transfer to open conditions (see requirement paragraph 4.4.1). If the appeal is not upheld, PPCS is responsible for issuing their decision to the prison.	PPCS
4.4.10	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.	Prison

4.5 Generic Parole Process (GPP)

This section of the Policy Framework applies to all indeterminate sentenced prisoners and all parole eligible determinate sentence prisoners.

This section of the Policy Framework also applies to prisoners subject to the Power to Detain legislation found in sections 244ZB and 244ZC of the Criminal Justice Act 2003, where a standard determinate sentenced prisoner is found to pose a significant risk of commission of serious further offences were they to be released automatically at their conditional release date and is referred to the Parole Board instead. Guidance on this process is set out in the Power to Detain Policy Framework. Where the HMPPS Panel decides that the prisoner meets both the legal threshold and the policy criteria for referral to the Parole Board, the prisoner's case will follow the process set out in this chapter of the Framework, which may be expediated for these cases.

The GPP is the standardised parole process for pre-tariff, on tariff and post-tariff ISPs and for those determinate-sentenced prisoners who are eligible to be released on licence by the Parole Board, which all parties must follow to ensure the timely referral of a prisoner's case. For guidance on timings of reviews see guidance 6.1.1.

All requirements for Probation Service (i.e. the COM/Probation Practitioner) in this section will, for pre-tariff reviews, be the responsibility of the Prisons (i.e. POM).

Compiling the Core Dossier		**Action By**
4.5.1	PPCS will assess whether a prisoner is excluded from open conditions (see constraints paragraphs beginning 5.5). PPCS must write to any prisoner whom they believe should be excluded from open conditions as soon as it comes to light. These prisoners may be eligible for a progression regime (see Progression Regime Policy Framework for more information).	PPCS
4.5.2	PPCS will compile the core dossier two weeks before review initiation at week 0 (see requirements 4.5.4 to 4.5.8).	PPCS
4.5.3	When compiling the core dossier, PPCS is responsible for obtaining all mandatory documents required under the Parole Board Rules, where available. When requested, the Prison is responsible for obtaining any missing or out of date documents for the core dossier within the requested timescale.	PPCS Prison
Review Initiation – Week 0		**Action By**
4.5.4	PPCS will issue an initial notification letter to the prison, Probation Practitioner and VLO requesting reports for the dossier and an information proforma to HOIE for IFNPs via email. Information on IFNPs and the Tariff Expiry Removal Scheme is available in the TERS Policy Framework.	Prison PPCS Probation Service
4.5.5	The prison must ensure that a copy of the notification is disclosed to the prisoner, within one working day of receipt.	Prison
4.5.6	Upon receipt of the initial notification letter, the prison must commission all prison-based reports (see guidance paragraph 6.5.27).	Prison Probation Service YJS

4.5.7	Where any relevant reports to be prepared have been identified at a SPRM or in the most recent Parole Board decision, the prison must commission the reports as soon as possible.	Prison
4.5.8	Where the prison or Probation Practitioner identify concerns about a prisoner's mental capacity to participate in their parole review, PPCS must be notified as soon as possible and, ideally, where applicable at the beginning of the parole process. Please see Chapter 4.12 for further information on this process.	Prison Probation Service YJS
4.5.9	In all cases, where the prison identifies that the prisoner will require documents to be translated, (including the British Sign Language (BSL) translators) for example due to a disability or language barrier, the prison must ensure that PPCS are notified as soon as possible. Whether the prison, prisoner or anyone else informs PPCS, PPCS will notify the Parole Board at the point of referral so that where required, reasonable adjustments[2], where possible, can be made. Guidance on translating documents into the Welsh Language as part of HMPPS' Welsh Language Scheme can be found at the following link. It is the responsibility of the prison to arrange and fund all translation services and for the translation of HMPPS documents.	Prison PPCS
Evidence Compilation – Week 4		**Action By**
4.5.10	The prison must ensure that all mandatory prison-based reports are completed and uploaded to PPUD as they are received in line with the deadlines set out at paragraph 6.5.13 and disclosed to the Probation Practitioner. Guidance on mandatory reports is available at 6.5.13 and guidance on providing a quality report is available at 6.5.16 of this framework. **To note:** Prisons must not upload any documents to the dossier for cases which are managed by PPCS National Security Casework Team (NCS). These must be sent directly to: nationalsecuritycasework@justice.gov.uk	Prison
4.5.11	Offender Management Unit (OMU)/Probation administrative staff must complete the relevant milestones on PPUD. Further guidance on these processes is available on EQuiP. This does not apply to cases managed by PPCS NSC (see requirement at 4.5.10)	Prison Probation staff YJS

[2] For neurodivergent children and young people, PPCS, Prisons and Parole Board must consider if they require support from specialist services such as easy read guides, speech and language therapists/intermediaries to participate in their parole review.

Submission of PAROM and supporting documents to PPCS – Week 6		**Action By**
4.5.12	The Probation Practitioner/YJS must ensure that their PAROM1 and OASys or Asset Plus are completed and submitted to PPCS for inclusion in the dossier. For IPP and DPP Prisoners, the Probation Practitioner should provide a copy of the most recent IPP progression panel report for inclusion in the dossier. The Probation Practitioner must use the EPF2 as part of prerelease planning. This is a tool which suggests additional licence conditions that the Probation Practitioner may wish to consider as part of this planning and highlights the policies in place for each condition. More information regarding licence conditions can be accessed via this link. For Victim Personal Statements (VPS), see the requirements set out in paragraph 4.5.67 and constraint as set out in paragraph 5.3.6.	Probation Service YJS
4.5.13	If the victim wishes to submit a VPS, the VLO must provide it direct to PPCS for inclusion in the dossier at this stage.	HMPPS
4.5.14	In accordance with the Parole Board Rules, from 3 April 2023 when report writers create a report for the parole dossier, they are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or moved to open prison conditions, provided that they feel able to give such an opinion. Any professional opinion which the report writer gives the Board should be made by reference to the report writer's area of competence, as well as to their interactions with the prisoner. HMPPS reports must still present all relevant information and a factual assessment pertaining to risk based on the report writer's professional judgment. Guidance on report quality is available at 6.5.16 of this Framework.	Probation Service YJS
4.5.15	Where considered appropriate, the Secretary of State will present the Parole Board with an overarching Secretary of State view on the prisoner's suitability for release which takes account of all reports and available evidence, including any professional opinions offered by report writers, where the case meets the criteria outlined in paragraph 6.5.20. HMPPS Report Writers will be informed at the earliest opportunity where the Secretary of State chooses to provide an overarching Secretary of State view.	PPCS
4.5.16	Prisoners Assessed as Very High Risk of Serious Harm There is a presumption that any prisoner who is assessed as very high risk of serious harm is unsuitable for open conditions, unless exceptional circumstances can be evidenced.	PPCS Prison Probation Service YJS
4.5.17	Terrorist and terrorist connected offences There is a presumption that a prisoner serving a determinate custodial sentence for an offence listed in section 247A(2) of the Criminal Justice Act 2003 or an indeterminate sentence for a specified terrorist or terrorist connected offence will be unsuitable	PPCS Prison Probation Service YJS

	for open conditions, unless exceptional circumstances can be evidenced. In indeterminate sentence cases only, where POMs /Probation Practitioners consider there are exceptional circumstances, they must submit a case to PPCS. PPCS is responsible for determining whether the prisoner's circumstances are exceptional. Where considered exceptional, the referral to the Board must include the rationale for this decision and ask the Parole Board for advice on the prisoner's suitability for consideration of open conditions. Please see 6.4.2 for further guidance. For information on determinate sentences this process please see Security categorisation policy framework - GOV.UK	
4.5.18	Terrorist and terrorist connected offences Where the offender is serving consecutive or concurrent sentences, they are presumed unsuitable for open conditions if any sentence forming part of the overall sentence envelope is a specified terrorist or terrorist connected offence; and the presumption applies for the duration of the sentence envelope (including whilst released or recalled during that envelope). Where an indeterminate sentence forms part of the sentence envelope then, unless the indeterminate sentence is for a terrorist or terrorist connected offence, the presumption ends at the end of the sentence envelope for the determinate sentences. If an offender is released on licence, sentences imposed subsequently to this won't form part of this envelope and once the original envelope ends, the presumption will no longer apply (unless the new sentence is for a specified terrorist or terrorist connected offence).	PPCS Prison Probation Service YJS
Referral to the Parole Board – Week 8		**Action By**
4.5.19	PPCS is responsible for compiling, reviewing and checking the full dossier to identify if there is any missing information or any issues that could potentially delay the case progressing through the Parole Board process.	PPCS
4.5.20	Upon a request by PPCS, report writers must provide any missing information to PPCS within the timescale provided. Prisons are responsible for uploading any missing prison-based reports or additional information direct to the dossier. Probation will provide any missing probation reports or additional information directly to PPCS. This does not apply to cases managed by PPCS NSC (see requirement at 4.5.10)	Prison Probation Service YJS
4.5.21	Where missing information has been provided, PPCS will ensure that the information (in the form of a report) is placed at the end of the dossier and not directly behind the report to which they relate.	PPCS
4.5.22	PPCS is responsible for collating the Secretary of State's evidence and formally referring the case to the Parole Board via an electronic dossier on PPUD. The prison and Probation Practitioner will also receive an automatic notification.	PPCS

4.5.23	Upon receipt of the PPUD automatic notification, the prison must ensure that a copy of the full dossier is disclosed to the prisoner immediately upon completion and that the prisoner is given the opportunity to discuss their case with their legal representative either on a legal visit, on the telephone or via video-link.	Prison
4.5.24	Where the prisoner is not represented, prisons must ensure that the prisoner's personal representations are uploaded to PPUD immediately upon receipt and added to the dossier.	Prison
4.5.25	Prisons must ensure that prisoners have ready access to their parole dossier (excluding non-disclosure information) as frequently as the facilities and resources of the prison allow. For further information please refer to the Handling Sensitive Information Policy Framework.	Prison
Parole Board Member Case Assessment (MCA) - Week 14		**Action By**
4.5.26	From the point of referral, the Parole Board is responsible for requesting representations from the prisoner or legal representative. All representations must be emailed directly to the Parole Board within 4 weeks of the formal referral of the dossier by PPCS.	PPCS Prison
4.5.27	Where the prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration window, this must be copied to ppgreconsiderationteam@justice.gov.uk. The Parole Board will provide the PPG Reconsideration Team, with an opportunity to submit representations on behalf of the Secretary of State.	Prisoner Legal Representative Parole Board
4.5.28	The Parole Board is responsible for issuing the MCA decision to PPG (including ReconsiderationTeam@justice.gov.uk), the Probation Practitioner and prison (see guidance paragraphs 6.5.38 to 6.5.42 on the decisions and constraint paragraph 5.3.3).	Parole Board
4.5.29	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt. Where there is victim involvement, the Probation Practitioner must also follow requirement paragraphs 4.5.70 to 4.5.73 (please also see sections 4.5.74 to 4.5.78 for further information on Parole Board decision summaries).	Prison Probation
Decision Outcomes – No Direction for Release/Negative Decision		**Action By**
4.5.30	Upon receipt of a no direction for release direction by the Parole Board, PPCS must set the next review in line with chapter 4.7, once the decision becomes final. Where it is directed that the prisoner be transferred to another prison to complete their sentencing objectives, please refer to 4.24 of the Progressive Transfers for Indeterminate Sentence Prisoners Policy Framework - GOV.UK. Imprisonment for Public Protection (IPP) prisoners will be referred to a Progression Board within six weeks of a no release parole outcome, for further information on this please refer to chapter 6.3 of Progression Panels for Indeterminate Sentences Policy Framework - GOV.UK.	PPCS

Decision Outcomes – Recommendation for Transfer to Open Conditions		**Action By**
4.5.31	PPCS is responsible for considering a recommendation by the Parole Board for an ISP to be transferred to open conditions within 28 calendar days (See ISPs transferring to open conditions requirement paragraph 4.7.7 and constraint paragraph 5.3.5).	PPCS
Decision Outcomes – Direction for Release		**Action By**
4.5.32	Upon receipt of a Parole Board direction for the release, all parties must follow the process set out in requirement chapter 4.8 (see constraint paragraph 5.6.2 for IFNPs).	Prison Probation Service
4.5.33	Where the Parole Board directs the release of a prisoner, all parties must give effect to this direction as soon as is reasonably practicable. See constraint 5.4.1. IPPs will be referred to a Progression Board within six weeks of release in the community, for further information on this please refer to chapter 6.3 of Progression Panels for Indeterminate Sentences Policy Framework - GOV.UK.	PPCS Prison Probation Service
4.5.34	**Parole eligible determinate sentenced prisoners only:** Where the prisoner has reached their conditional release date (CRD) or non-parole release date (NPD) and are to be automatically released, the prison is responsible for commencing preparation for release, which includes providing the prisoner with a paper copy of, and an explanation of, their licence.	Prison
Decision Outcomes – Oral Hearing		**Action By**
4.5.35	Where the Parole Board has directed the case to an oral hearing, all parties must proceed to requirement 4.5.36.	Prison Probation Service
4.5.36	If the MCA (or duty) member refers the case to an oral hearing, the Parole Board is responsible for issuing Parole Board oral hearing directions to all parties.	Parole Board
Oral Hearing Directions		**Action By**
4.5.37	The prison must ensure that Parole Board oral hearing directions and timetables are disclosed to the prisoner within one working day of receipt.	Prison
4.5.38	Where the Parole Board directs that a report must be provided by the prison, prisons must ensure that the report is uploaded to the end of the dossier by the deadline set by the Parole Board panel and disclosed to the prisoner.	Prison Probation Service YJS
4.5.39	Where directed by the Parole Board, the prison must commission reports from psychologists and/or psychiatrists (and other specialist reports) at the earliest opportunity. In line with requirement 4.5.14 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or move to open prison conditions, provided they feel able to give such an opinion.	Prison

4.5.40	If there are any concerns regarding the completion of specialist reports these must be flagged to PPCS at the earliest opportunity, to allow them to consider whether it is appropriate to make a request to the Parole Board, that the direction is revoked or varied. For more information on revoking/varying directions see requirement 4.5.52.	Prison PPCS
4.5.41	Prisons must ensure that the dossier is recompiled on PPUD to ensure that all parties are notified that the report has been uploaded.	Prison
4.5.42	PPCS is responsible for liaising directly with the Probation Practitioner to ensure that the Probation Service and YJS directions are met. The Probation Practitioner must notify PPCS of any developments that may affect the Parole Board's assessment of risk (such as a new adjudication or completion of an offending behaviour course) by submitting an addendum report. In line with requirement 4.5.14 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or move to open prison conditions, provided they feel able to give such an opinion.	PPCS Probation Service YJS
4.5.43	PPCS must ensure that the dossier is recompiled on PPUD upon receipt of all Probation Service directions to ensure that all parties are notified that the report has been uploaded.	PPCS
4.5.44	The prison must ensure that a copy of any additional reports is disclosed to the prisoner within one working day of receipt.	Prison
4.5.45	The Parole Board is responsible for securing and uploading all third-party information directed by the panel, as set out in the Parole Board/PPCS Third-Party Directions Protocol. Third-party Information and reports that supplement and are intrinsic to the Risk Management Plan remain the responsibility of PPCS. (See guidance paragraph 6.5.38).	Parole Board PPCS
4.5.46	PPCS will retain responsibility for all directions compliance, including third-party information, in all cases managed by the PPCS National Security Casework Team.	PPCS
4.5.47	The Parole Board is responsible for ensuring that the dossier is recompiled on PPUD upon receipt of all third-party directions to ensure that all parties are notified that the report has been uploaded, as set out in the Third-Party Directions Protocol.	Parole Board
4.5.48	Where a direction which HMPPS is responsible for cannot be complied with within the required timescale, or where the information is either not available or would incur disproportionate cost, the directed report writer must ensure that PPCS is alerted immediately so that they can consider whether to seek a variation or revocation of the direction(s) under the Parole Board Rules providing full reasons. HMPPS staff, must send all requests to vary or revoke HMPPS directions to PPCS. PPCS is responsible for making an application to the Parole Board before the deadline for the direction is reached.	Prison Probation Service YJS PPCS

4.5.49	All HMPPS applications for non-disclosure must be submitted to the Parole Board via PPCS no later than eight weeks before the date of the oral hearing. Any requests submitted after this deadline must include a full explanation of the delay. Further information on applications for non-disclosure is available in the Handling Sensitive Information Policy Framework, including information provided by victims for the purpose of Parole Board reviews.	PPCS Prison Probation Service
4.5.50	The Parole Board will set the hearing type, (e.g. face to face, remote (video/telephone) hearing). If witnesses wish to give their evidence in a different format to that set by the Parole Board, they must notify the Parole Board to seek agreement from the Panel Chair no later than eight weeks before the date of the oral hearing. All parties must also follow requirement 4.5.58 in regard to remote attendance requests.	Parole Board PPCS Prison Probation Service YJS
Notification of Oral Hearing Date		**Action By**
4.5.51	The Parole Board Oral Hearings Administration and Attendance Policy Framework sets out the agreed protocol between prisons, probation, PPCS and the Parole Board in respect of Parole Board oral hearings. The requirements in that Policy Framework must be adhered to at all times.	PPCS Prison Probation Service YJS
4.5.52	Where the Parole Board have requested witness availability, the HMPPS witness must notify the Parole Board of the availability via email and copy in PPCS, within two weeks of the request.	PPCS Prison Probation Service YJS
4.5.53	The Parole Board is responsible for setting the hearing date, time and format of the hearing (remote or face to face). The Parole Board will provide all parties with at least three weeks notification of this information by issuing a hearing timetable.	Parole Board
4.5.54	Once the date of the hearing is confirmed, all witnesses **must** ensure that they attend the hearing. The POM/Probation Practitioner must also inform the VLO of the oral hearing date promptly.	Prison Probation Service YJS
4.5.55	Where the Parole Board has exceptional difficulty in contacting or securing HMPPS witness attendance, the matter will be escalated to PPCS, who will attempt to resolve the issue.	PPCS Prison Probation Service YJS
4.5.56	Prisons and the Probation Service must discuss any difficulties regarding the attendance of HMPPS witnesses with PPCS immediately.	Prison Probation Service
4.5.57	In exceptional cases, where a witness is no longer able to attend, they must notify PPCS immediately. Where deemed appropriate PPCS is responsible for informing the Parole Board and seeking agreement from the Panel Chair for an alternative witness to attend.	Prison Probation Service YJS

4.5.58	HMPPS witnesses wishing to give their evidence remotely must notify PPCS immediately with full reasons (unless that oral hearing has been convened as a remote hearing). PPCS is responsible for notifying the Parole Board to seek agreement from the Panel Chair.	Prison Probation Service YJS
4.5.59	The Parole Board is responsible for deciding whether to approve a request for a witness to give evidence remotely.	Parole Board

Requesting Deferral/Adjournment of Parole Board hearings		**Action By**
4.5.60	HMPPS staff must notify PPCS of any new information that could impact the timely review of the case (see constraint paragraph 5.4.1).	Prison Probation Service YJS
4.5.61	PPCS is responsible for deciding whether to submit a deferral/adjournment request to the Parole Board and prisoner's legal representative.	PPCS
4.5.62	The Parole Board is responsible for deciding whether to accept or reject the deferral/adjournment request.	Parole Board
4.5.63	Upon receipt of the Parole Board's decision, the prison must disclose the decision to the prisoner within one working day.	Prison
Oral Hearing Decision		**Action By**
4.5.64	The Parole Board is responsible for issuing the oral hearing decision to all parties.	Parole Board
4.5.65	Where the prisoner or legal representative wish to submit an application to the Parole Board to reduce the 21-day reconsideration window, this must be copied to ppgreconsiderationteam@justice.gov.uk. The Parole Board will provide the PPG Reconsideration Team, with an opportunity to submit representations on behalf of the Secretary of State.	Prisoner Legal Representative
4.5.66	Upon receipt of the Parole Board's decision following an oral hearing, further guidance for prisons on this process can be found on EQuiP.	PPCS Prison
4.5.67	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt. When informing prisoners that the Parole Board has made a no release decision, staff must ensure that appropriate support for the prisoner is put in place, where required, to ensure the safety of both the prisoner and staff. See 4.5.28 for more information. The COM/Probation Practitioner is responsible for informing the VLO of the decision (please see sections 4.5.70 to 4.5.73 for further information on Parole Board decision summaries).	Prison Probation
4.5.68	All parties must follow the requirements set out in requirement paragraphs 4.5.26 to 4.5.29 (as applicable).	Prison Probation Service YJS

4.5.69	Where the Parole Board have recommended a transfer to open conditions, all parties should follow the paragraph 4.5.28 and guidance paragraph 6.7.2 for ISPs transferring to open conditions.	Prison Probation Service YJS
Victim Involvement during the GPP process		**Action By**
4.5.70	PPCS are responsible for checking whether there is any victim involvement and, if so, whether the victim intends to submit a Victim Personal Statement (VPS). Further information and guidance on submission of a VPS can be found here.	PPCS
4.5.71	Probation Practitioners must ensure that the VLO is kept up to date on the progress of the case and any developments within the Parole review. This includes promptly informing the VLO of key dates and stages, such as dates for the submission of the PAROM report and VPS. The probation Practitioner must also update the VLO with dates of oral hearings, any adjournments or deferrals and the decision of the Parole Board. VLOs must ensure that any VPS representations regarding licence conditions and/or the VLOR is submitted to PPCS for inclusion in the dossier.	PPCS Probation Service YJS
4.5.72	In cases where there is a VPS within the dossier, it must be stored away from the prisoner and kept with the prisoner's file within OMU. Prisoners must only read the VPS under supervision or when locked in their cell alone and must not be permitted to take them away or share with third parties. Victims can ask that their VPS is not disclosed to the prisoner. Please see more information about this process in the Handling Sensitive Information Policy Framework. If a prison is not sure if a VPS is to be seen by the prisoner, they must check with PPCS.	Prison
4.5.73	Where the victim or their family has asked to be kept informed of a prisoner's progress, then it is the responsibility of the Probation Practitioner to ensure that the VLO is kept up to date throughout the parole process. This includes notifying the victim liaison officer (VLO) of the parole hearing date, the outcome of the parole review, and the decision following a Parole Board recommendation for open conditions. Other key and significant developments may also exceptionally be provided to the victim.	PPCS Probation Service YJS
Parole Board Decision Summaries		**Action By**
4.5.74	Where a victim, who is involved in the Victim Contact Scheme, wishes to request a Parole Board decision summary (PBDS), the VLO must email the request directly to the Parole Board, via summaries@paroleboard.gov.uk, copying in the Probation Practitioner. This request can be made at any time, within six months of the date of the decision.	Probation Service
4.5.75	The Parole Board is responsible for providing the PBDS to PPCS, the prison, the VLO and the Probation Practitioner.	Parole Board
4.5.76	Upon receipt of the PBDS, the VLO must ensure that a copy is disclosed to the victim as soon as possible.	Probation Service
4.5.77	Where the prisoner is in custody, upon receipt of the PBDS, the POM must ensure a copy of it is disclosed to the prisoner within one working day.	Prisons

4.5.78	Where the prisoner has been released, the Probation Practitioner must ensure that a copy of the PBDS is disclosed to the individual as soon as possible.	Probation Service YJS
Setting Aside a Parole Board Direction to Release		**Action By**
This section of the Policy Framework applies to cases where the Parole Board has directed the prisoner's release from prison. Where the Parole Board makes a **direction to release**, they have the power to set aside their decision if the case meets the criteria set out at 6.5.53 of this framework.		
4.5.79	Where it is considered that the case meets the criteria for the Parole Board to consider setting aside their decision, prisons and/or the Probation Service must inform the allocated PPCS case manager (within the timescales outlined at 6.5.47). If the PPCS case manager is not known, then the notification should be sent to the PPCS FMB **marked as urgent**. See Guidance section 6.5.55 for the full criteria.	Prison Probation Service
4.5.80	Upon receipt of information from the prison or Probation Service, PPCS will consider the case and decide whether it meets the threshold for an application to the Parole Board to set aside their decision. Where deemed to meet the threshold, PPCS will email the application to the Parole Board for consideration copying it to the prison and their legal representative (where applicable). The prison must provide the application to the prisoner within one working day. See Guidance section 6.5.55 for the full criteria and timescales for submission of applications to the Parole Board.	PPCS Prison
4.5.81	Upon receipt of the application, the prisoner has seven days to make representations to the Parole Board. The Parole Board will then consider the case and decide whether to set aside their decision to release.	Parole Board
4.5.82	Where the Parole Board decides to set aside their release direction, the decision will be retaken. The Parole Board will specify whether this is to take place on the papers or at an oral hearing and will make bespoke directions to progress the case towards a decision.	Parole Board
4.5.83	The Parole Board will issue the decision to PPCS, the prison, the Probation Practitioner and the legal representative (where applicable).	Parole Board
4.5.84	The prison must disclose a copy of the Parole Board decision to the prisoner within one working day of receipt.	Prison
4.5.85	Probation Practitioners must inform the VLOs of the Parole Board decision. VLOs must then inform the victim as soon as possible. If an application to set aside the Parole Board decision is granted, any Parole Board Decision Summary that had previously been issued is no longer valid, and an amended summary will be issued when the new decision is made.	Probation Service

4.5.86	Where the Parole Board decides not to set aside their decision, the original direction for release will stand and the prisoner will be released in line with the agreed risk management plan. Staff must follow the requirements set out in Chapter 4.7 of this Framework.	Probation Service PPCS Prison

4.6 Reconsideration of Parole Board Decisions and High Court Referrals

Reconsideration of Parole Board Decisions

This section of the Policy Framework applies to all indeterminate sentenced prisoners and parole eligible determinate sentenced prisoners (as detailed in Guidance at 6.1.1).

Where the Parole Board makes a decision about release, **the decision will remain provisional for 21 calendar days** from the date the decision has been issued[3], to allow prisoners or PPG on behalf of the Secretary of State to submit an application to the Parole Board to have the decision reconsidered, where any of the criteria are met.

Parole Board Decisions about Release		**Action By**
4.6.1	All Parole Board decisions on release that are eligible for reconsideration remain provisional until the 21-calendar day application window closes. After this period, the decision becomes final unless: - the Secretary of State or the prisoner requests an extension to the application period; - the Parole Board shortens the timeframe (see paragraph 4.6.9); or - an application for reconsideration is submitted. The prisoner **cannot** be released during this period, unless authorised by PPG. See guidance paragraphs 6.6.7 – 6.6.8 for further information about how a prisoner may exceptionally be released within the 21-day window.	Prison
4.6.2	PPG, on behalf of the Secretary of State, and the prisoner (or their representative), as parties to the proceedings, have 21 calendar days from the date the decision is issued to apply directly to the Parole Board for reconsideration, if they believe any eligibility criteria have been met. All reconsideration applications must be sent directly to the Parole Board via their FMB Reconsideration@paroleboard.gov.uk.	PPG Prisoner
4.6.3	Where Probation or Prison staff have concerns that a release decision may meet the threshold for reconsideration (see para 6.6.2), **they must contact the PPG Reconsideration Team** as soon as possible at via PPGreconsiderationteam@justice.gov.uk. The request must include clear reasons why reconsideration may be appropriate. PPG will then determine whether the request meets the eligibility criteria.	Prison Probation YJS

[3] The decision will remain provisional for 21 calendar days from the date the oral hearing decision has been issued or the MCA decision has been issued (subject to the 28-calendar day period for the prisoner to request an oral hearing closing).

4.6.4	Prisoners and their legal representative must send any reconsideration requests directly to the Parole Board. If a prisoner does not have legal representation and wishes to submit a reconsideration or extension request, the prison must ensure it is emailed to Reconsideration@paroleboard.gov.uk within the 21-calendar day application window.	Prison Prisoner
Application Window Extension Requests		**Action By**
4.6.5	All extension requests (either from PPG on behalf of the Secretary of State or from the prisoner (see para 4.6.4)) must be submitted directly to the Parole Board within the 21-calendar day application window via email to Reconsideration@paroleboard.gov.uk.	Prison Probation Service YJS
4.6.6	The Parole Board will decide whether to approve extension requests and will issue their decision to PPG (PPGreconsiderationteam@justice.gov.uk), the prison, the Probation Practitioner and legal representatives (where applicable).	Parole Board
4.6.7	Prisons must disclose a copy of the Parole Board extension decision to the prisoner within one working day of receipt. Where a prisoner is unrepresented, prisons must follow requirement 4.6.18.	Prison
Exceptionally reducing the 21-day window		**Action By**
4.6.8	For guidance on seeking approval from the Parole Board for exceptionally reducing the 21-day reconsideration window, all parties must follow sections 6.6.7 to 6.6.8 of this Policy Framework.	Prison
PPG Internal Reconsideration Review		**Action By**
4.6.9	If PPG decides internally to submit a reconsideration application to the Parole Board, it must notify the prisoner (via the prison), the Probation Practitioner, the VLO and the legal representative (where applicable). VLOs must inform the victim as soon as possible. See 4.6.18 for information on how applications are made.	PPG Probation Service YJS
4.6.10	If there are no grounds for reconsideration, PPG will issue a 'decision final' notice on day 22, after the reconsideration window closes. This notice must be sent to the prison, the Probation Practitioner, the VLO, and the legal representative. **All staff must follow chapter 4.8 – release.**	PPG
Victim Representations for Reconsideration to PPG		**Action By**
4.6.11	Where a victim (or interested party) submits representations for the release decision to be reconsidered, all representations must be submitted to PPG via reconsiderationrequests@justice.gov.uk.	Probation Service YJS
4.6.12	Upon receipt of the representations from the victim or interested party, PPG will decide whether the representations meets the eligibility criteria (see guidance paragraph 6.6.5).	PPG
4.6.13	Where there are grounds for reconsideration, PPG will write and submit the application to the Parole Board. See 4.6.18 for more information.	PPG
4.6.14	Where an application is submitted by PPG, they must notify the prisoner (via the prison), the requestor, Probation Practitioner, VLO and the legal representative (where applicable). See 4.6.17 for information how applications are made.	PPG Prison

4.6.15	Where the representations does not meet the criteria, PPG must notify the victim or interested party.	PPG
4.6.16	If a VLO needs additional time for a victim to submit representations for reconsideration of a release decision, they must immediately notify PPG at PPGreconsiderationteam@justice.gov.uk. This email must include clear reasons for requesting the extension, and an indication of the length of the extension required. PPG will then make an application for an extension. PPG will inform VLOs of the outcome of any extension requests. VLOs must then inform the victim as soon as possible.	VLO PPG
Applications and the Parole Board Decision		**Action By**
4.6.17	If PPG decides to submit an application, it will send the application to the Parole Board Reconsideration Team (copied to the prison) for review by the reconsideration assessment panel within the 21-calendar day window. The prisoner will also be informed via a notification letter, which will be appended to the application. Prisons must disclose a copy of the application and the notification to the prisoner within one working day. The application and notice must be served on the prisoner and/or their legal representative within the 21-calendar day window. Where a prisoner is unrepresented, prisons must ensure that this takes place.	PPG Prison
4.6.18	If an application is made to the Parole Board, either by PPG or the prisoner, the Parole Board will provide the other party to the proceedings with the option of submitting representations within seven calendar days from receipt of the Parole Board's notification.	Parole Board
4.6.19	If PPG submits representations, it will send these to the Parole Board, the prisoner (via the prison) and their representative. The prison must disclose a copy of the representations to the prisoner within one working day.	Prison
4.6.20	The Parole Board will issue the reconsideration decision to PPG (PPGreconsiderationteam@justice.gov.uk), the Probation Practitioner, the prison, and the legal representatives (where applicable).	Parole Board
4.6.21	If the Parole Board directs that the case be reconsidered either on the papers or at an oral hearing, PPG must inform VLOs and any other interested parties who requested reconsideration of the decision. VLOs must then inform the victim as soon as possible.	Parole Board
4.6.22	When the Parole Board decides to reconsider a decision, it will specify whether this will take place on the papers or at an oral hearing and will issue bespoke directions to progress the case. Staff must then follow the relevant processes set out in Chapter 4.5 of the Generic Parole Process within this Framework.	PPG Probation Service YJS Prison
4.6.23	Prisons must disclose a copy of the Parole Board reconsideration decision to the prisoner within one working day of receipt.	Prison

4.6.24	PPG will issue the reconsideration decision to VLOs. VLOs must inform the victim as soon as possible. Where the application is made following a request from an interested party, PPCS will issue the decision to that interested party.	PPG Probation Service YJS
4.6.25	Where no application is received, submitted to the Parole Board within the 21-day window or an application is unsuccessful, staff should follow requirement 4.6.11 above.	PPCS Prison

Secretary of State Referrals to the High Court

Where a Parole Board release decision becomes final, the Secretary of State has the power to require that the Parole Board refer that release decision to the High Court[4]. The High Court will retake the release decision and either make an order that the Secretary of State give effect to the Parole Board's decision to release the prisoner or otherwise make an order quashing the Parole Board's decision.

This power applies to release decisions of prisoners whose index offence is murder, rape, terrorism or terrorism connected[5] or causing/allowing the death of a child. There are Civil Procedure Rules which apply to this process, which must be complied with – see Part 77 of the Rules & Practice Directions – Civil Procedure Rules for further details.

Cases will only be considered for referral in line with the policy criteria set out in the Applicability of the SoS Referral Power Guidance.

The SSJ is not obligated to have made a reconsideration application prior to making a referral to the High Court.

This power applies only to Parole Board release decisions issued on or after 31 December 2025.

Secretary of State Referrals to the High Court		**Action By**
4.6.26	The statutory test for referral is where it is considered that: • the release of the prisoner would likely undermine public confidence in the parole system; **and** • the High Court might not be satisfied that the release test has been met[6]. The Reconsideration and High Court Referral Section (RHCRS) will screen all cases which meet the statutory and policy criteria during the reconsideration window[7], to decide whether to refer a case to the High Court. The screening process will commence during the reconsideration window and conclude as soon as is reasonably practicable.	RHCRS

[4] Sections 61 and 62 of the Victims and Prisoners Act 2024 inserted (respectively) section 32ZAA of the Crime (Sentences) Act 1997 and s256AZB of the Criminal Justice Act 2003 providing the referral power for indeterminate and determinate sentenced prisoners. The release test is that it is no longer necessary for the protection of the public that the prisoner should be confined.

[5] The list of terrorism and terrorism connected offences under section 256AZBB of CJA 2003.

[6] Where a case is not eligible for reconsideration the screening will take place within 21 calendar days following the issuing of the Parole Board release decision.

[7] Where a case is not eligible for reconsideration the screening will take place within 21 calendar days following the issuing of the Parole Board release decision.

4.6.27	A case can only be referred to the High Court once the Parole Board decision is 'final' (once the reconsideration window has closed[8]).	RHCRS Probation Service YJS Prison
4.6.28	Where RHCRS decide that an eligible case will **not be referred** to the High Court, a notification will be issued to the Probation Practitioner, prison and legal representative, where appropriate. (This will be in addition to the notification RHCRS issue informing prisoners that the Secretary of State will not be making an application for reconsideration.) However, the process for reconsideration remains separate from a High Court referral, and each case should be considered separately. The prison must disclose the notification to the prisoner within one working day. In these cases, release should take place as planned as soon as practicable and staff should follow chapter 4.8 of this Framework. There may be some cases which are eligible to be referred to the High Court, where the SSJ has submitted a reconsideration application to the Parole Board. The SSJ reserves the right, to then require the Parole Board to refer the prisoner to the High Court in the event that the reconsideration application is rejected and the case meets the criteria for referral.	RHCRS Prison
4.6.29	If RHCRS considers that a case is likely to be referred to the High Court, it will inform the Probation Practitioner that preparations for release may need to be delayed. The RHCRS will also contact VLOs to ask whether the victim(s) wish to make any representations to the SSJ about referral of the case to the High Court. Victims will have five working days to submit their representations.	RHCRS Probation Service YJS VLOs
4.6.30	If it is decided that the case will be referred to the High Court, RHCRS will direct the Parole Board to make a referral in writing within two working days. While the Board is required to submit the referral, it is not a party to the proceedings. RHCRS will notify the prisoner that their case has been referred to the High Court, copied to the Probation Practitioner and where appropriate, the legal representative. The prison must disclose the notification to the prisoner within one working day. The prisoner **cannot** be released during this period until the High Court proceedings have concluded and the High Court has issued an order requiring the Secretary of State to give effect to the Parole Board's direction to release the prisoner.	RHCRS Prisons

[8] Cases which are not eligible for reconsideration are automatically considered final once issued by the Parole Board. In these cases, RHCRS will contact the Probation Practitioner as soon as possible in line with para 4.6.29.

4.6.31	Once referred to the High Court, RHCRS must provide its evidence and the grounds for referral to the Court within two working days. This will also be served on the prisoner by the prison within one working day.	RHCRS Prisons
4.6.32	The High Court will determine how the case will progress and will issue directions where appropriate to the Secretary of State and the prisoner. RHCRS will work with prisons and probation to ensure that any directed information / attendance at a court hearing is complied with.	RHCRS Probation Service Prisons YJS
4.6.33	The High Court will issue the judgment setting out their order: • That the Secretary of State give effect to the Parole Board's direction to release the prisoner – the prisoner will be released – staff should follow requirements at chapter 4.8 of this Framework; or • Quashing the Parole Board's release direction – the prisoner will not be released – staff should follow requirements at chapter 4.7 of this Framework.	High Court RHCRS Probation Service YJS Prisons
4.6.34	After a case has been referred to the High Court, PPCS may still apply to the Parole Board for its decision to be set aside (where the criteria is met (see paragraph 6.5.55)). The Secretary of State may apply for a stay in the High Court proceedings, to either enable the Parole Board to set aside their own decision, or to make an application to the Parole Board to set aside their original release decision. Should the Parole Board set aside their original release decision, the Secretary of State will withdraw the referral to the High Court, and the court proceedings will cease. If the Parole Board does not decide to set aside their release decision, the High Court proceedings will resume.	PPCS RHCRS Parole Board

4.7 Setting the next review date

All indeterminate sentenced prisoners and parole eligible determinate sentenced prisoners are entitled to have their case reviewed by the Parole Board as set out in the Timing and Frequency of Parole Reviews guidance 6.5.1.

Setting the Next Review Date for all Indeterminate and Determinate Parole Eligible Sentenced Prisoners		**Action By**
4.7.1	PPCS is responsible for setting the next review date where the Parole Board has made no direction for release within 14 calendar days of the Parole Board decision becoming final. PPCS will issue notification of the next review to the prisoner (via OMU), POM, Probation Practitioner and legal representatives (where applicable).	PPCS
4.7.2	The Probation Practitioner/POM must provide their views on the work that needs to be undertaken in custody by prisoners and how long it may take within five working days of a request by PPCS, unless an alternative timescale is agreed with PPCS.	Prison Probation Service

4.7.3	PPCS must provide reasons to the prisoner to explain the review period that has been set and the reasons for this, as well as confirmation of any outstanding risk issues identified by report writers or set out in the Parole Board decision.	PPCS
4.7.4	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.	Prison
4.7.5	Upon receipt of the next review date from PPCS, prisons must ensure that they are progressing the prisoner towards accessing their outstanding sentence plan objectives e.g. transferring the prisoner where appropriate.	Prison
Review Periods		**Action By**
4.7.6	For IPP, Detention for Public Protection (DPP), Extended Determinate Sentence (EDS) and Sentence of Particular Concern (SOPC) sentenced prisoners, a presumptive review period will be set unless following consultation with the POM/Probation Practitioner there are clear reasons that an alternative review period would be beneficial to the prisoner (e.g. completion of offender behaviour courses). The review period will be set from the date **of the Parole Board's decision letter**. In line with statutory requirements, a maximum review period of 24 months will be set. **IPP and DPP sentenced prisoners** **For IPP sentenced prisoners:** The presumptive maximum review period will be set at 18 months. **For DPP sentenced prisoners:** The presumptive maximum review period will be set at 12 months. **For all other indeterminate sentenced prisoners** In line with statutory requirements, a maximum review period of up to 24 months will be set. **EDS and SOPC sentenced prisoners** For cases where there is **less than 13 months** from the panel date to the CRD, PPCS is responsible for notifying the prison that the prisoner will not receive a further review and will be released at their CRD. For cases where there are **13 months or more** from the panel date to the CRD, PPCS is responsible for notifying the prison when a prisoner will receive a further review. The presumptive review period will be set at 12 months. **For DCR sentenced prisoners** An annual review will be set, if there is in excess of 13 months to the prisoners Non Parole Date (NPD). If there is less than 13 months to the NPD, then the prisoner will not be entitled to a further review. **For EPP sentenced prisoners** An annual review will be set. In all cases there must be a clear justification for the review period which has been set.	PPCS

ISPs transferring to open conditions		**Action By**
4.7.7	Upon receipt of the Parole Board decision, PPCS is responsible for ensuring that all papers considered by the panel are considered when making a decision on the prisoner's transfer to open.	PPCS
4.7.8	The Secretary of State (or their delegated official) is responsible for deciding whether to accept or reject the Parole Board's recommendation for an ISP to move to open conditions in accordance with the policy set out at 6.7.2. The Parole Board must have taken into account the Secretary of State's directions to the Parole Board which includes the criteria set out at 6.7.2 in Guidance. This decision must take place within 28 calendar days of receipt of the Parole Board decision.	PPCS
4.7.9	PPCS is responsible for ensuring that a review period is set that enables the prisoner to demonstrate sufficiently their progress in open conditions to the Parole Board.	PPCS
4.7.10	When considering the length of time to set the next review in these cases, in addition to the points in guidance section 6.7.1. PPCS must take the ROTL timetable into account. For further information, see the Release On Temporary Licence (ROTL) Policy Framework.	PPCS
4.7.11	PPCS is responsible for issuing a letter outlining their decision to accept or reject the Parole Board's recommendation and setting a suitable date for the next Parole Board review to the prison/prisoner, POM, Probation Practitioner and legal representative (if applicable).	PPCS Prison
4.7.12	The prison must ensure that a copy of the letter is disclosed to the prisoner within one working day of receipt.	Prison
4.7.13	Following receipt of the Secretary of State's decision that the prisoner should transfer to open conditions, the holding establishment must organise a transfer to an appropriate open establishment, liaising with the proposed open establishment, and will book transport via Population Management Unit (PMU).	Prison
Changing the date of the next review		**Action By**
4.7.14	If it becomes apparent, following notification of the next review date, that the review period set is no longer sufficient or has become excessive then prisons must notify PPCS and ask for the review period to be amended. The Head of OMU (see guidance section 6.7.13 to 6.7.14) must endorse any such request.	Prison

4.8 Release

This section applies to the following prisoners, where the Parole Board has directed the release of:

- Indeterminate Sentenced Prisoners (ISP),
- Extended Determinate Sentence (EDS) prisoners;
- Sentences for Offenders of Particular Concern (SOPC);
- Discretionary Conditional Release (DCR) sentenced individuals;
- Terrorist Offenders/ Terrorist connected offenders and;
- Those standard determinate sentenced prisoners subject to a decision to detain them past their conditional release date pursuant to section 244ZB of the Criminal Justice Act 2003, managed under the Power to Detain Policy Framework, where the initial release was determined by the Parole Board.

A prisoner cannot be released on licence until the reconsideration window has closed and the decision has been confirmed as final.

The Parole Board will set the licence conditions in these cases and where these prisoners have been recalled and their re-release has been directed.

Making arrangements for release		**Action By**
4.8.1	PPCS is responsible for ensuring effective liaison with Probation Practitioners to satisfy themselves that the release arrangements will be in accordance with those agreed by the Parole Board for as soon as reasonably practicable. In all cases, if a licence condition makes reference to an exclusion zone, a map must be provided by the Probation Practitioner (see constraint paragraph 5.6.3).	PPCS Probation Service YJS
4.8.2	PPCS must arrange a release date with the Probation Practitioner.	Prison Probation Service YJS
4.8.3	If the release decision has been issued before the TED/PED then release must take place on an agreed date that is as soon as practicable after TED/PED (see constraint paragraph 5.6.1). If the TED/PED falls on a weekend, Friday or bank holiday then the release must be arranged for the preceding working day. If the release decision has been issued after the TED/PED then arrangements must be made in accordance with requirement paragraphs 4.8.4 to 4.8.11. Please see Discretionary Friday/pre-Bank Holiday Release Scheme Policy Framework for further information.	Prison PPCS
4.8.4	PPCS is responsible for contacting the prison to confirm the release date and inform the prison when to expect the release licence and associated documents.	PPCS
4.8.5	PPCS is responsible for preparing and issuing the licence and associated documents to the prisoner/prison/probation.	PPCS

4.8.6	Where the prisoner is liable to deportation, PPCS must ensure that Home Office Immigration Enforcement (HOIE) are notified of the release decision, so that consideration can be given to detaining the prisoner under Immigration Act powers. The procedure for handling such cases is set out in PSI 04/2013 – The Early Removal Scheme and Release of Foreign National Prisoners.	PPCS
4.8.7	Where detention under immigration powers is authorised for IFNPs, HOIE is responsible for providing a copy of the IS91 authority to detain to PPCS as soon as possible (see constraint paragraph 5.6.2).	HOIE
4.8.8	If the prisoner's release plan requires them to reside in Approved Premises then PPCS must be satisfied that a bed space is available before effecting release.	PPCS
4.8.9	The prison must provide the prisoner with a copy of their licence and associated documents on the day of release[9].	Prison
4.8.10	On the actual day of release, the prison must alert the relevant police force that the prisoner is being released that day.	Prison
4.8.11	PPCS is responsible for issuing a copy of the licence to the PNC Bureau, once there is confirmation of the prisoner being released, for all cases where the Parole Board have directed release. Prisons are responsible for this in all other determinate cases.	PPCS Prison
Varying Licence Conditions prior to release		**Action By**
4.8.12	In exceptional circumstances where there is a need to amend or add new licence conditions after the Parole Board decision, prior to the prisoners release on licence, the Probation Practitioner must ensure requests to vary or add licence conditions are submitted to PPCS, as soon as possible, with full reasons why a variation is deemed necessary and why the application was not before the Parole Board at the oral hearing. In order to complete this task, Probation Practitioners must review the EPF 2 Plan completed for the PAROM to assess suitability of any additional licence conditions. More information regarding licence conditions can be accessed via this link.	Probation Service
4.8.13	PPCS is responsible for submitting requests to vary or add licence conditions to the Parole Board.	PPCS
4.8.14	The Parole Board is responsible for deciding whether to accept or reject the request.	Parole Board
4.8.15	The Parole Board is responsible for issuing a decision to PPCS, the prison, Probation Service and the prisoner's legal representative as a matter of urgency.	Parole Board
4.8.16	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt.	Prison

[9] When providing the licence to children, the prison should use visual aids to support the child's understanding.

4.9 Adverse Developments

This section of the Policy Framework only applies to indeterminate sentenced prisoners. All parties must follow the requirements below where an adverse development occurs to ensure that the prisoner is detained in the correct category of prison which reflects their risk.

Notification of an adverse development		Action By
4.9.1	When an adverse development has occurred in an ISP case, prisons must inform PPCS using a LISP4 form available on EQuiP within five working days. This must contain sufficient information and supporting evidence to explain the adverse development and any necessary context to it. Adverse developments do not only occur in open conditions, and when they do happen, a LISP4 must be submitted in the following circumstances: • Following removal from open conditions; • When an ISP has been recommended or approved for open conditions but is still in closed awaiting transfer to open. See guidance paragraph 6.9.1 for examples of adverse developments. As part of the LISP4 form to PPCS, practitioners must ensure that the first two criteria of test for open conditions (set out in guidance 6.7.2) are considered. If an individual has received a release decision from the Parole Board and an adverse development then occurs, the release decision must take precedence, unless an application to the Parole Board is made to set aside their decision- see Requirement 4.5.79-4.5.86.	Prison
4.9.2	In line with requirement 4.5.14 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or move to open prison conditions, provided they feel able to give such an opinion.	Prison
4.9.3	PPCS will review the LISP4 form within five working days of receipt from the prison and liaise with the prison where further information is required. Where further information is required, the prison must amend the LISP4 form and resubmit to PPCS.	Prison
4.9.4	Once the LISP4 has been finalised, the prison must ensure that the prisoner is provided with a copy of the LISP4 within one working day of receipt so that they can make representations.	Prison
4.9.5	PPCS will consider the case within 28 calendar days of receipt of the prisoner's representations or receipt of confirmation that representations are not being submitted. This may include contacting the receiving prison to ensure there are no further developments. As part of this consideration, PPCS will decide whether the criteria in the test for open conditions has been met (see guidance 6.7.2).	PPCS

4.9.6	PPCS is responsible for deciding whether to: • Issue a warning letter to the ISP; • Refer new information to the Parole Board for consideration in the context of an ongoing Parole Board review; • Refer a case to the Parole Board (where a prisoner has been returned to closed conditions following an adverse development) for advice on the whether the prisoner is considered suitable for return to open conditions; • Direct that the prisoner will remain in closed conditions until their next scheduled Parole Board review. See guidance at 6.9.3.	PPCS
Warning Letters		**Action By**
4.9.7	Upon receipt of a warning letter, in cases where prisoners have already been removed to closed conditions, the holding establishment and the open establishment must arrange for the return of the ISP prisoner to open conditions, with the assistance of Population Management Unit (PMU) as soon as possible.	Prison
4.9.8	The prison must ensure that a copy of the decision is given to the prisoner within one working day of receipt.	Prison
4.9.9	Upon receipt of a 'remain in closed' decision, the prison must ensure that a copy of the decision is given to the prisoner within one working day of receipt.	Prison
Advice Cases – Combined with the GPP		**Action By**
4.9.10	PPCS is responsible for considering whether to refer the case to the Parole Board for advice on whether the ISP is suitable to be returned for open conditions and whether to request consideration that the advice case is combined with an existing GPP review.	PPCS
4.9.11	The Parole Board is responsible for deciding whether to combine the advice case with the review and notifying PPCS of their decision.	PPCS Prison
4.9.12	Where it has been decided that the advice case and the review should be combined, PPCS is responsible for notifying the prison.	PPCS
4.9.13	The prison must ensure that a copy of the decision from PPCS is disclosed to the prisoner within one working day of receipt.	Prison
4.9.14	Where it is agreed that the advice case and an existing GPP review will be combined, all the parties must follow the requirements set out in requirement chapter 4.5.	Prison Probation Service
4.9.15	Where it is not agreed that the advice case and existing GPP review will be combined, all parties should follow the process set out in Advice Cases – Separate to the GPP (see requirement paragraph 4.9.16).	Prison Probation Service
Advice Cases – Separate to the GPP		**Action By**
4.9.16	PPCS is responsible for considering whether to refer the case to the Parole Board for advice on whether the ISP is suitable to be returned to open conditions.	PPCS

4.9.17	PPCS is responsible for compiling the advice case dossier and referring the dossier to the Parole Board.	PPCS
4.9.18	The Parole Board is responsible for issuing the Parole Board decision to PPCS, prison and Probation Practitioner.	PPCS Prison Probation Service YJS
4.9.19	The prison must ensure that a copy of the Parole Board decision is disclosed to the prisoner within one working day of receipt.	Prison
4.9.20	PPCS is responsible for reviewing the Parole Board decision and making a final decision on the adverse development and issuing the decision to the prison, POM, Probation Practitioner and legal representative (if applicable).	PPCS
4.9.21	Upon receipt of a 'remain in closed' decision, the prison must ensure that a copy of the decision is given to the prisoner within one working day of receipt.	Prison
4.9.22	Upon receipt of a return to open decision, the holding establishment and the open establishment must arrange for the return of the ISP prisoner to open conditions, with the assistance of Population Management Unit (PMU). The prison must ensure that the decision is disclosed to the prisoner within one working day of receipt. Following an adverse development, a progression panel should be convened for an IPP prisoner. For further information on this, refer to the Progression Panel Policy Framework.	Prison

4.10 Transfer of prisoners during a Parole Board review

Arrangements for transfer during parole process		**Action By**
4.10.1	Where it has been agreed that a prisoner will transfer to another establishment during their Parole Board review to access a progression opportunity in line with their sentence plan, (including the areas around Offending Behaviour Programmes (OBP), wellbeing and Education, Training and Employment (ETE) if these are deemed appropriate at this time,) or where transfer must take place for security reasons, the establishment must notify PPCS as soon as possible of the transfer and reasons (see constraint paragraph 4.9.1 and guidance paragraphs 6.10.1 to 6.10.2).	Prison
4.10.2	It is essential that prisoners are not transferred after their oral hearing date has been listed unless a transfer is wholly unavoidable. In such cases, the prison must notify PPCS and the Parole Board immediately. The receiving establishment must also ensure arrangements are made for the prisoner to attend the hearing.	Prison
4.10.3	Staff at the sending establishment are responsible for ensuring that PPUD is updated with the correct establishment.	Prison
4.10.4	Where a transfer is necessary during a review, the sending prison must take responsibility for completing any outstanding directions as it will normally have greater knowledge of the prisoner. For ISPs, please refer to the Progressive Transfers for Indeterminate Prisoners Policy Frameworks requirement 4.2.23 and 4.2.24, for further information on transferring an ISP during their parole review.	Prison

4.10.5	As set out in guidance paragraph 6.10.1, there may be circumstances where the receiving prison is better placed to complete the outstanding directions. Where an agreement cannot be reached, it is the responsibility of the sending prison to complete the reports.	Prison
4.10.6	Receiving prisons must ensure that they have procedures in place for checking on the progress of the prisoner's oral hearing before the decision is taken to accept a prisoner during the review period.	Prison
Transfer between British Island jurisdictions		**Action By**
4.10.7	Prisons must notify PPCS (pre-releaseteamA@justice.gov.uk) when a prisoner is transferred on a restricted or unrestricted basis to another jurisdiction outside of England or Wales. Further information on the transfer of prisoners between jurisdictions can be found in the guidance section of this Policy Framework and the Travel and Transfer on Licence and PSS Outside of England and Wales Policy Framework.	Prison PPCS
4.10.8	PPCS is responsible for ensuring that prisoners transferred on a restricted basis to another jurisdiction are still considered by the Parole Board in line with the GPP to ensure that their suitability for release is considered (see requirement chapter 4.5). This includes responsibility for determining eligibility for release, setting licence conditions, and authorising the prisoner's actual release. Other jurisdictions have no authority to determine release outcomes for these cases. For further information see guidance paragraphs 4.10.4 to 4.10.6.	PPCS
4.10.9	Prisons must notify PPCS (pre-releaseteamA@justice.gov.uk) when a prisoner is transferred on a restricted or unrestricted basis to England or Wales from another UK jurisdiction. Further information on the transfer of prisoners between jurisdictions can be found in the guidance section of this Policy Framework and the Travel and Transfer on Licence and PSS Outside of England and Wales Policy Framework.	Prisons
4.10.10	Prisoners transferred on a restricted basis from another jurisdiction remain the responsibility of the transferring jurisdiction for decisions relating to release, and release must be considered by the Parole Board or equivalent authority in the transferring jurisdiction. For indeterminate sentenced prisoners transferred to England and Wales on a restricted basis, decisions relating to progression to open conditions are governed by the Secretary of State's policy for England and Wales and will be considered in accordance with paragraphs 4.10.11 to 4.10.20 of this framework. Restricted transfer cases sentenced in Northern Ireland remain subject to the Northern Ireland parole process. Further information can be found at paragraphs 6.10.9 and 6.10.10.	Prison PPCS
Restricted Transfer Indeterminate Sentenced Prisoners (ISPs) and Moves to Open Conditions		**Action By**
This section of the Framework (para 4.10.11 to 4.10.15) applies to ISPs who have been transferred on a restricted basis to England or Wales from Scotland, Isle of Man, Guernsey or Jersey. Northern Ireland cases will remain the responsibility of the transferring jurisdiction. Any decision for a move to open conditions will need to meet the test for open conditions, outlined within Guidance 6.7.2.		

Restricted Transfer Pre-Tariff Prisoners		
4.10.11	All pre-tariff prisoners must have their suitability for a move to open conditions considered in line with the processes set out in chapter 4.3 of this Framework.	PPCS Prison
Restricted Transfer On/Post Tariff Prisoners		
4.10.12	PPCS is responsible for setting a review on PPUD commencing the review of suitability for open conditions in line with the tariff expiry date of the indeterminate sentence. PPCS must issue an Initial Notification Letter (INL) to the prison. This will be set up in line with all other on/post tariff parole cases.	PPCS
4.10.13	The prison must provide PPCS with: • a copy of the prisoner's parole dossier from the sentencing jurisdiction, and • an updated report providing a recommendation on the prisoner's suitability for progression to open conditions.	Prison
4.10.14	The prison is responsible for considering whether a prisoner meets the first two criteria of the test for open conditions (see guidance 6.7.2).	Prison
4.10.15	The prison must complete the 'Restricted Transfer ISP On/Post Tariff – Recommendation for a Move to Open Conditions' report (available on EQuiP to download). The completed report must be provided to PPCS, with all relevant sentencing documentation and, where appropriate, a report from security and healthcare. In line with requirement 4.5.14 HMPPS report writers are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or move to open prison conditions, provided they feel able to give such an opinion.	Prison
4.10.16	Upon receipt of the report, PPCS will assess whether a prisoner is excluded from open conditions (see constraints paragraph 5.5.1 to 5.5.3). PPCS must write to any prisoner whom they believe should be excluded from open conditions as soon as it comes to light. These prisoners may be eligible for a progression regime (see Progression Regime Policy Framework for more information).	PPCS
4.10.17	Where the prisoner is not excluded from open conditions and is considered to have met the three criteria for the test for open conditions, PPCS will refer the dossier to the Parole Board for advice on suitability for a move to open conditions (see requirement paragraph 4.9.16) within four weeks. The case will follow the normal GPP process see chapter 4.5.	PPCS
4.10.18	PPCS retain the final decision-making responsibility for accepting or rejecting the Parole Board's recommendation.	PPCS
4.10.19	Upon receipt of the Parole Board decision, the prison is responsible for ensuring that the home area Probation Practitioner is provided with a copy of the decision. Where the Parole Board make a recommendation for a move to open conditions, PPCS is responsible for deciding whether to accept or	Prison PPCS

	reject the Parole Board's recommendation for an ISP to move to open conditions, taking into account the Secretary of State's directions to the Parole Board. This decision must take place within 28 calendar days of receipt of the Parole Board decision.	
4.10.20	The prison must ensure that a copy of the decision is disclosed to the prisoner within one working day of receipt. Where there is victim involvement, the Probation Practitioner must also follow requirement paragraphs 4.5.70 to 4.5.73 (please also see sections 4.5.74 to 4.5.78 for further information on Parole Board decision summaries).	Prison Probation Service
4.10.21	Staff must consider post tariff restricted transfer ISPs for open conditions in accordance with the same requirements followed for England & Wales sentenced prisoners. PPCS will set the next review for open conditions if not recommended by the Parole Board in line with chapter 5.6 of this Framework.	PPCS
Transfer between jurisdictions - Repatriation		**Action By**
4.10.22	Where repatriation is granted and the prisoner is removed from the England or Wales, outside the British Islands, prisons must ensure that they inform PPCS. In these cases, PPCS is responsible for cancelling the GPP process.	Prison
Removal to another jurisdiction – Early Removal Scheme (ERS)		**Action By**
4.10.23	Where ERS is granted and the prisoner is removed from England or Wales, prisons must ensure that they inform PPCS. In these cases, PPCS is responsible for cancelling the GPP process. For further information on this process, refer to the Early Removal Scheme and Release of Foreign National Prisoners- PSI 04/2013.	Prison
4.10.24	Where ERS is granted and the prisoner is returned to prison custody within England and Wales, prisons must ensure that they inform PPCS. In these cases, PPCS is responsible for commencing the GPP process.	Prison

4.11 Prisoners detained under the Mental Health Act 1983

This section of the Policy Framework applies to parole eligible prisoners who have been transferred to hospital under the Mental Health Act. It also applies to those individuals who are no longer detained under Mental Health Act powers but who are eligible for parole.

Notification of prisoners transferred to hospital under the Mental Health Act		**Action By**
4.11.1	Following validation of the court order, MHCS must notify PPCS of any prisoners admitted to hospital directly from court. PPCS and prisons will follow requirement paragraph 4.1.8 for calculation of the TED or paragraph 4.1.2 for calculation of the PED.	MHCS PPCS Prison
4.11.2	On transfer to hospital under section 47/49 or S45A, MHCS must alert PPCS.	MHCS PPCS
4.11.3	Once the transfer has taken place, PPCS must inform the POM/ Probation Practitioner, the prisoner's legal representative (if known) and the Parole Board of the transfer. The review will be suspended until either:	PPCS

	• a positive recommendation to the First-tier Mental Health Tribunal or Mental Health Review Tribunal for Wales (MHT) for discharge is received from the hospital responsible clinician; • the MHT notifies the SSJ (MHCS) that the patient would be entitled to absolute or conditional discharge under s74 MHA; or • the SSJ (MHCS) receives a recommendation from the RC and decides to remit the prisoner to prison custody under s50 MHA.	
Mental Health Tribunal – Positive Recommendations from the Responsible Clinician		**Action By**
4.11.4	Upon receipt of a conditional discharge recommendation from the Responsible Clinician (in their report to the MHT) that the prisoner no longer requires treatment in hospital, MHCS will inform PPCS. This will take place 6 weeks prior to the MHT sitting. In cases where a prisoner is eligible for a parole review[10], PPCS will reactivate an existing PPUD review or create a new accelerated parole review. PPCS will issue the initial notification letter to the Probation Practitioner, the hospital, the VLO, the prison (for information purposes) and an information proforma to HOIE for IFNPs via email. Information on IFNPs and the Tariff Expired Removal Scheme is available in the TERS Policy Framework. **Please note:** the accelerated process only applies where the prisoner is eligible for release by the Parole Board within the 27- week timescale of the accelerated review.	MHCS PPCS
4.11.5	Upon receipt of the MHTs discharge recommendation[11], PPCS are responsible for referring the dossier to the Parole Board within two working days. All parties must follow the requirement paragraph 4.11.12 to 4.11.16).	PPCS
4.11.6	In cases where the MHT does not recommend discharge, PPCS will cancel the parole review and inform the Probation Practitioner, VLO and prisoner.	PPCS
Mental Health Tribunal – Negative Recommendations from the Responsible Clinician		**Action By**
4.11.7	In cases where a prisoner is eligible for a parole review[12] having received a positive First Tier Tribunal's MHT discharge recommendation, despite a negative recommendation from the Responsible Clinician[3], which may result in the prisoner being remitted back to prison or them remaining in hospital until a decision is made by the Parole Board, PPCS is responsible for reactivating an existing PPUD review or creating a new accelerated review. PPCS will issue the initial notification letter to the Probation Practitioner, the hospital, the VLO, the prison (for information purposes) and an information proforma to HOIE for IFNPs via email	PPCS

[10] Where they have passed their tariff, served their minimum term or are due a scheduled review.

[11] This may result in the prisoner being remitted back to prison or them remaining in hospital until a decision has been made by the Parole Board

[12] Where they have passed their tariff, served their minimum term or are due a scheduled review.

	(see requirement paragraph 4.2.8). **Please note:** the accelerated process only applies when the prisoner is eligible for release by the Parole Board within the 41-week timescale of the accelerated review.	
Remission by the Secretary of State under Section 50 of the Mental Health Act		**Action By**
4.11.8	Upon remission, MHCS must inform PPCS when a prisoner has been remitted back to custody under s.50 of the MHA (see guidance paragraph 6.11.5).	MHCS
4.11.9	Where PPCS have been notified of the prisoner's remission, PPCS is responsible for commencing an accelerated parole review or re-activating an existing PPUD review (see requirement paragraph 4.11.8 to 4.11.12). When an ISP is remitted back to prison, a progression panel will be mandated, for further information on this process, refer to the Progression Panel for Indeterminate Sentences Policy Framework.	PPCS
4.11.10	PPCS will issue the initial notification letter to the Probation Practitioner, the prison, the VLO and an information proforma to HOIE for IFNPs via email.	PPCS
Parole Board Review		**Action By**
4.11.11	Where requested by PPCS, the prison, which last held the prisoner in custody, must supply any sentence planning documents that may have been completed before the prisoner's transfer to hospital within 21 calendar days.	Prison
4.11.12	The Probation Practitioner must provide the PAROM1, OASys or Asset Plus within 28 calendar days of a request from PPCS. On receipt, PPCS is responsible for compiling the dossier, incorporating that PAROM1 and paperwork from the Tribunal.	PPCS Probation Service
4.11.13	In remitted to prison cases, the prison must provide the On/Post Tariff Parole Custody Report parole, SPR-H security report and any other mandatory documents for the dossier. These should be uploaded direct to the dossier by the prison. This does not apply to cases managed by PPCS NSC (see requirement at 4.5.9).	Prison
4.11.14	Where available MHCS will provide PPCS with copies of hospital reports (set out in guidance at para 6.11.12) for inclusion in the dossier. PPCS will upload any MHT/specialist reports (written whilst detained under MHA) to the dossier. The prisoner's consent is not required as these documents fall under those listed on the Parole Board Rules. Upon receipt of a notification from PPUD, the Probation Practitioner will be able to access the additional reports.	MHCS PPCS Probation Service
4.11.15	PPCS is responsible for collating the Secretary of State's evidence and formally referring the case to the Parole Board via an electronic dossier on PPUD. The prison and Probation Practitioner will also receive an automatic notification. Where the prisoner is held in hospital, PPCS will provide a copy of the dossier to the hospital via email.	PPCS

4.11.16	In cases where the Responsible Clinician has made a positive recommendation ahead of the MHTs recommendation being issued, PPCS will check the dossier and await the MHTs discharge recommendation before referring the case to the Parole Board. In cases where a positive recommendation has been issued by the MHT following a negative recommendation from the RC ahead of the MHT and/or the prisoner has been remitted to prison, PPCS will check the dossier and refer the case to the Parole Board once all mandatory documents have been received.	PPCS
4.11.17	Upon receipt of the PPUD automatic notification or notification via email, the prison/hospital must ensure that a copy of the full dossier is disclosed to the prisoner immediately upon completion, within one working day. The prisoner will also be given the opportunity to discuss their case with their legal representative either on a legal visit, via a telephone call or video link. See guidance at 6.5.15 for more information.	Prison Hospital
4.11.18	The Parole Board is responsible for issuing the decision to all parties.	Parole Board
4.11.19	The prison / hospital (if applicable) must ensure that a copy of the Parole Board decision is disclosed to the prisoner within one working day of receipt.	Prison Hospital
4.11.20	All decisions made by the Parole Board will be subject to the Reconsideration process (see requirement section 4.6).	PPG
4.11.21	In cases where the Parole Board direct release, PPCS in conjunction with the Probation Service, are responsible for facilitating the release of the prisoner, in line with the requirements in chapter 4.8 of this framework.	PPCS Probation Service
4.11.22	In cases where the Parole Board make no direction for release, PPCS in conjunction with the Probation Service, are responsible for setting the date for the next review, in line with the requirements in chapter 4.7 of this framework.	PPCS
Return to custody before On Tariff Review		**Action By**
4.11.23	For indeterminate prisoners who are pre-tariff and have not yet reached the date of their on-tariff review (6 months prior to TED), the pre-tariff sift will also take place as normal, where there is sufficient time for the review to be concluded before the on-tariff review. See chapter 4.3 for more information on Pre-Tariff Reviews for ISPs.	PPCS Prison Probation Service
4.11.24	In cases where the prisoner has been remitted back into prison custody, the prison will resume responsibility for disclosing the completed dossier.	Prison
Deterioration in a Prisoner's Mental Health following a Section 74 (1) (b) Recommendation		**Action By**
4.11.25	The prison must notify PPCS where concerns are raised about any apparent deterioration in the prisoner's mental health since the Tribunal recommended discharge.	Prison

4.11.26	PPCS should inform MHCS, for consideration of exercising the Secretary of State's power to make a discretionary referral of the case to the Tribunal under section 71 of the MHA on the grounds that there has been a material change in circumstances in light of the deterioration of the patient's mental health.	PPCS MHCS
Parole Board Decisions and Releases		**Action By**
4.11.27	The Parole Board is responsible for sending all decisions to PPCS, the prison, hospital (if applicable), Probation Practitioner and legal representative.	Parole Board
4.11.28	Prisons must follow requirement paragraph 4.5.26 to 4.5.29 of this framework in relation to the Parole Board's MCA decision.	Prison
4.11.29	PPCS is responsible for issuing parole licences for section 74 (1) (b) recommendations where the prisoner remains in hospital (see guidance paragraph 6.11.6) and requirement section 4.6 for the Reconsideration process).	PPCS
Non-Parole Licences and Standard Determinate Sentenced (SDS) Prisoners and Extended Determinate Sentenced (EDS) Prisoners Transferred to Hospital		**Action By**
4.11.30	Where a prisoner is not to be returned to prison, MHCS is responsible for identifying transferred prisoners approaching the end of their custodial sentence three months before their CRD/NPD. MHCS will notify the prison and the Probation Service to remind them of the statutory duty to supervise the patient.	MHCS
4.11.31	Prisons are responsible for agreeing release arrangements with the Probation Practitioner and issuing the licence.	Prison

4.12 Parole and Mental Capacity

This section of the Policy Framework should be followed where there are concerns about the prisoner's mental capacity to participate and make decisions about their parole or recall review.

Parole and Mental Capacity		**Action By**
4.12.1	Where the prison or Probation Practitioner identify concerns about a prisoner's mental capacity to participate in their parole review, PPCS must be notified as soon as possible and, ideally, where applicable at the beginning of the parole/recall process.	Prison Probation Service YJS
4.12.2	Upon receipt of a notification, PPCS are responsible for reviewing the prisoner's case and setting up a case discussion (where appropriate). Further information is available in chapter 6.12.	Prison Probation Service YJS
4.12.3	Where PPCS request further reports/information, HMPPS staff and/or other relevant stakeholders must provide any missing information to PPCS within the timescale provided. This may include identifying a suitable person to act as a Litigation Friend on the behalf of the prisoner. See section 6.12 for further guidance.	Prison Probation Service YJS

4.12.4	PPCS is responsible for deciding whether an application should be made to the Parole Board to appoint a Litigation Friend. Further information on Litigation Friends is available in chapter 6.12.	PPCS
4.12.5	Where it is decided that an application will be submitted, PPCS is responsible for making the application to the Parole Board	PPCS
4.12.6	The Parole Board are responsible for deciding whether the identified individual should be appointed as a Litigation Friend	Parole Board
4.12.7	Where the Parole Board approve the application, PPCS will inform the POM and Probation Practitioner of the Parole Board's decision. The POM is responsible for ensuring that the prisoner and appointed Litigation Friend are informed of this.	PPCS Prison
4.12.8	Where the Parole Board reject the application on the grounds that the nominated Litigation Friend is deemed unsuitable, PPCS is responsible for liaising with relevant HMPPS staff to ascertain whether another candidate can be identified. Where all options to identify a Litigation Friend have been exhausted, PPCS will apply to the Parole Board for a referral to be made for the Official Solicitor to be appointed to act as the Litigation Friend of last resort. Please see chapter 6.12 for further guidance.	PPCS
4.12.9	The Parole Board is responsible for applying to the Official Solicitor for a Litigation Friend to be appointed and informing PPCS of the outcome.	Parole Board

5. Constraints

PART 1 – POST-SENTENCE AND PRIOR TO FIRST PAROLE BOARD REVIEW

5.1 Minimum Term reviews for prisoners sentenced when aged under 18 years to detention during His Majesty's Pleasure (HMP)

Applications for HMP tariff reviews		**Action By**
5.1.1	Only prisoners aged under 18 years at sentencing are eligible to apply for a review of their tariff. Prisoners aged 18 years and over when sentenced are excluded from applying for any tariff review (see paragraph 4.2 and guidance 6.2.1)	PPCS
5.1.2	Eligible prisoners can only apply for further reviews whilst they are still aged under 18 years and two years has passed since the previous application was determined (see paragraph 4.2.6 and guidance 6.2.1).	PPCS
5.1.3	When completing a TAR for a HMP Tariff review, the views of staff should relate solely to an assessment of the detainee's progress and they should not make any recommendations as to the length of tariff or the outcome of the review by the High Court (see paragraph 4.2.4 and guidance 6.2.2).	Probation Service YJS Prison

PART 2 – PAROLE BOARD REVIEWS

A prisoner cannot decide to opt out of the parole process[13].

5.2 Pre-tariff reviews for ISPs

Pre-tariff sifts		**Action By**
5.2.1	Where a recommendation from an SPRM is likely to be negative, the prison must not take this as an indication that the SPRM process is unnecessary; the SPRM must be held as part of the pre-tariff sift and the prison will be expected to account for failure to hold one on time (see requirement paragraph 4.3.1 and guidance paragraph 6.4.2).	Prison

5.3 Generic Parole Process

Quality Assurance and Referral to Parole Board		**Action By**
5.3.1	The prisons are no longer responsible for issuing the full dossier to the Parole Board and Probation Practitioner electronically via PPUD (see requirement paragraph 4.5.21).	Prison
5.3.2	Once the full dossier has been disclosed, prisons must not change the order or pagination of the original disclosed dossier (see requirement paragraph 4.5.20).	Prison
Parole Board Member Case Assessment (MCA)		**Action By**
5.3.3	HMPPS report writers (including those commissioned to write reports on behalf of HMPPS) must not contact the Parole Board directly unless it is in regard to witness availability.	Prison Probation Service
Requesting deferrals or adjournments of Parole Board hearings		**Action By**
5.3.4	Requests for a deferral must not be sent direct to the Parole Board (see requirement paragraph 4.5.60).	Probation Service YJS Prison
Oral Hearing Outcomes – Parole Board Recommendation of a Transfer to Open Conditions		**Action By**
5.3.5	PPCS must not request the Parole Board to consider recommending a transfer to open conditions for determinate sentenced prisoners. This is the responsibility of the prison Governor.	PPCS Prison
Victim Involvement during MCA and Oral Hearing		**Action By**
5.3.6	Where a victim has submitted a VPS, the VPS must not be sent directly to the Parole Board or prison. Instead, it must be sent directly to PPCS, who will consider the document for nondisclosure before uploading it to the dossier and providing a copy to the prison (see requirement paragraph 4.5.70). Please see the Victim Contact Scheme Policy Framework for further information.	Probation Service Prison PPCS

[13] Parole Board Rule 23 states that —(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 Reconsideration of Parole Board Decisions and High Court Referrals

Release Decisions		**Action By**
5.4.1	Prisons must not release prisoners until PPG confirm that the reconsideration process has been completed and the release decision is final (see guidance paragraph 6.5).	Prison
5.4.2	HMPPS report writers (including those commissioned to write reports on behalf of HMPPS) **must not contact the High Court directly**. Any contact will be routed through The Reconsideration and High Court Referral Section (RHCRS).	Probation Service Prison

5.5 Setting the Next Review

Exclusion from Open Conditions		**Action By**
5.5.1	A prisoner in closed conditions must not be assessed for open conditions if they have, more than once during their current sentence, or within the two years prior to: • the date of the next re-categorisation decision, or • the date of the next parole hearing, or • the first date of the proposed ROTL): i. Absconded (or been absconding) from open conditions; and/or ii. Failed to return from a period of ROTL; and/or iii. Been convicted of a criminal offence that took place when they were on ROTL; and/or iv. Escaped (or continued to escape) or attempted to escape from prison custody. unless there are exceptional circumstances (see guidance paragraph 6.7.6).	Prison
5.5.2	Prisoners assessed as Very High Risk of Serious Harm There is a presumption that any prisoner who is assessed as very high risk of serious harm is unsuitable for open conditions, unless exceptional circumstances can be evidenced. For operational application of this presumption during parole reviews see requirement 4.5.17.	Prison
5.5.3	Terrorist and terrorist connected offences There is a presumption that any prisoner serving a custodial sentence, whether determinate or indeterminate, for an offence listed in section 247A (2) of the Criminal Justice Act 2003 is unsuitable for open conditions, unless exceptional circumstances can be evidenced. Alternate options should be considered for e.g. a Progression Regime.	Prison
5.5.4	A Foreign National prisoner in closed conditions must not be assessed for open conditions if they have been served a deportation order and have exhausted all appeal rights in the UK. For more information see PSI 37/2014 ‘Eligibility for Open Conditions and for ROTL of Prisoners Subject to Deportation Proceedings’.	Prison

Indeterminate Sentenced Category A/Restricted Status Prisoners and Open Conditions		Action By
5.5.5	Indeterminate Sentenced Category A/Restricted Status prisoners will not be referred to the Parole Board for a recommendation on suitability for open conditions. Category A/Restricted Status ISPs may still apply to Public Protection Casework Section (PPCS) for an exceptional transfer to open conditions (also known as a "Guittard Application") – see chapter 4.4 of this Framework. Where a Category A/Restricted Status ISP is re-categorised to Category B or C, following a referral to the Parole Board, prisons must notify PPCS of this decision. Where notified, PPCS will update the prisoner's categorisation on PPUD. If the prisoner is eligible for consideration of a move to open conditions and not otherwise excluded, the referral enables the Parole Board to consider the ISPs suitability for a move to open conditions. Where a Category A/Restricted Status ISP is re-categorised to Category B or C prior to commencement of their next parole review, they will next be considered for open at that review.	Prisons

5.6 Release

Making arrangements for release		Action By
5.6.1	Where the Parole Board has made a release decision the prison must not release the prisoner until his TED/PED (see requirement paragraph 4.8.3).	Prison
5.6.2	IFNPs who are served a deportation order must not be released until HOIE have considered whether to detain under immigration powers (see requirement paragraph 4.8.7).	Prison PPCS
5.6.3	Where a release plan is revised following the Parole Board's decision, the release must not take place until the Parole Board have confirmed via a stakeholder response form that the revised plan is satisfactory (see requirement paragraph 4.8.1).	Prison Probation Service PPCS

5.7 Adverse Developments

Notification of Adverse Development		Action By
5.7.1	Prisons must not send any information directly to the Parole Board. LISP 4 should not be uploaded direct to the PPUD dossier. Prisons are asked to ensure that they provide the LISP4 to PPCS via email (to the appropriate Parole Eligible Casework FMB).	Prison

5.8 Transfer of prisoners during a Parole Board review

Arrangements for transfer during parole process		Action By
5.8.1	Prisoners may be transferred during their Parole Board review to access a progression opportunity only in line with their sentence plan or for security reasons, (see requirement paragraph 4.10.1 and guidance paragraph 6.10.1).	Prison

5.8.2	Prisoners must not be transferred to another establishment after their hearing date has been listed unless the receiving establishment can accommodate arrangements for the prisoner to attend the hearing (see requirement paragraph 4.10.2 and guidance paragraph 6.10.1). Prisoners who meet the criteria for transfer but who have outstanding criminal proceedings against them in the UK will not be considered for transfer until these proceedings have been resolved.[14]	Prison

6. Guidance

PART 1 – NEWLY SENTENCED PRISONERS AND CHANGES IN SENTENCE

6.1 Newly Sentenced Indeterminate and Parole Eligible Determinate Sentenced Prisoners

6.1.1 This framework sets out the Generic Parole Process (GPP) for all indeterminate sentenced prisoners (ISPs) as well as those determinate sentenced prisoners who are eligible for discretionary early release by the Parole Board. These include:

- Discretionary Conditional Release (DCR) prisoners (i.e. serving four years or more and were sentenced before 3 December 2012 where the offences were committed before 4 April 2005 and the offence is one appearing on Schedule 15 to the CJA 2003 (sexual/violent offences) **OR** the PED fell before 9 June 2008) are eligible to be considered for release on licence by the Parole Board at the halfway point of their sentence. These prisoners will follow the standard GPP process as indicated (see requirement chapter 4.5) but can be referred to as prisoners with a Standard Determinate Sentence (SDS);

- Extended Sentence for Public Protection (EPP) prisoners sentenced before 14 July 2008 pursuant to Section 227 or 228 of the CJA 2003 who are eligible to be considered for release on licence by the Parole Board at the halfway point of their custodial term. (Schedule 20B of the CJA 2003 release provisions apply);

- Extended Determinate Sentence (EDS) prisoners sentenced pursuant to sections 266 to 268 and 279 to 282 of the Sentencing Act 2020 (formerly section 226A or 226B of the CJA 2003) who are eligible for release by the Parole Board at two-thirds point of the custodial term under s246A CJA 2003. (From 13 April 2015 this will include all EDS sentences imposed on or after that date. For those sentences imposed before that date only those sentenced to ten years or more or who were being sentenced for offence under Schedule 14 of the Sentencing Act 2020 (formerly Schedule 15B of the CJA 2003) will attract discretionary release by the Parole Board);

- Special custodial sentence for certain Offenders of Particular Concern (SOPC) under sections 252A, 265 and 278 of the Sentencing Act 2020 (formerly s.236A of the CJA 2003). It applies to prisoners sentenced on or after 13 April 2015 who have committed a qualifying offence from the updated Schedule 13 of the Sentencing Act 2020 (formerly Schedule 18A of the CJA 2003). They are eligible for release by the Parole Board at the halfway point of the custodial term and have a guaranteed one year on licence after release at CRD. For sentences imposed between 13 April 2015 and 27 June 2022, release eligibility is halfway through the custodial term. For

[14] If a prisoner needs to be transferred to another prison in order to appear for a court hearing, an assessment of the parole and court dates should be taken into consideration when assessing transfer timeframes. PPCS must be contacted when this is being considered.

sentences imposed on or after 28 June 2022 (PCSCA 2022), release eligibility is two thirds during the custodial term.

- From 22 March 2026 (SA2026), Part 3 was added to Schedule 13 SA2020, which means that certain *Offences involving or connected with a threat to national security* are included in the SOPC regime. This means that adults convicted of those offences on or after that day must receive a SOPC as a minimum. For offenders aged under 18, it applies where the relevant offence was *committed* on or after that date.

- Terrorist and terrorist connected prisoners serving determinate sentences subject to initial release by the Parole Board (in accordance with s247A of the Criminal Justice Act 2003).

- The Power to Detain process applies to prisoners, aged 18 years and over at their conditional release date and who are serving standard determinate sentences for offences other than terrorist or terror connected offences, due for release under section 243A, 244 or 244ZA of the Criminal Justice Act 2003 ('qualifying sentences').

Identification of Newly Sentenced Parole-Eligible Prisoners

6.1.2 Establishments are responsible for identifying and notifying PPCS of any newly determinate sentenced prisoners that are subject to discretionary release by the Parole Board and any newly sentenced prisoners that are subject to an indeterminate sentence.

6.1.3 The Youth Custody Service Release and Resettlement Team are responsible for calculating the sentences for children and young people placed in secure children's homes. Secure Training Centres are responsible for calculating and issuing their own calculations. These calculations need to be provided to PPCS in line with the requirements outlined within this Framework.

6.1.4 Transcripts for ISPs are obtained by PPCS and will be loaded onto PPUD where they can be accessed by those staff in the establishment. Transcripts of sentencing remarks are not normally available until at least seven weeks after the date of sentence. Any enquiries about the provision of sentencing remarks for ISPs should be directed to PPCS via TranscriptPublicProtection@justice.gov.uk.

6.1.5 The Parole Board Rules outlines the mandatory documents that must be included in the parole dossier. Therefore, in order for these documents to be available for inclusion, they must be provided to PPCS at the time of sentencing. These documents include:

- Indictment
- Order of Imprisonment
- Previous convictions
- Police summary of evidence (case summary mg5)
- Prosecution case summary
- Pre-trial medical/psychiatric/psychologist's report
- Pre-sentence probation report
- Post sentence probation report (please note that since 1 December 2020, Post Sentence Reports are no longer used for prisoner's sentenced on or after that date.)

6.2 Minimum Term Reviews for Prisoners Sentenced to Detention During HMP

Eligibility

6.2.1 Prisoners aged under 18 years of age at the point of sentence are eligible for a minimum term review of their tariff. Where the High Court has previously considered the prisoner's case, the prisoner can re-apply every two years from the date of the High Court decision or where the Secretary of State first gave notice that the application was rejected, but only if the prisoner is under the age of 18 on the day on which the application is made. Prisoners aged 18 years or over at the point of sentencing are not eligible to apply for a minimum term review of their tariff.

Applications for HMP Minimum Term Review

6.2.2 Where a prisoner wishes to make an application for a reduction in their tariff, PPCS will prepare the core dossier. Upon receipt of an automatic notification from PPCS via PPUD, the prison is responsible for compiling the full dossier and disclosing the final version to the prisoner.

6.2.3 When completing the Tariff Assessment Report (TAR), the assessment should relate solely to the detainee's progress since the point of sentencing. Prisons should not make any recommendations as to the length of tariff or the outcome of the review by the High Court.

Criteria for reduction of minimum term in respect of HMP detainees

6.2.4 In deciding whether to make a reduction order, the High Court must, in particular, take into account any evidence:

(a) that the relevant young offender's rehabilitation has been exceptional;

(b) that the continued detention or imprisonment of the offender for the remainder of the minimum term is likely to give rise to a serious risk to the welfare or continued rehabilitation of the offender which cannot be eliminated or mitigated to a significant degree.

Exceptional Progress in Prison

6.2.5 Specific factors indicative of exceptional progress may include a prisoner having demonstrated:

- An exemplary work and disciplinary record in prison;
- Genuine remorse and accepted an appropriate level of responsibility for the part played in the offence;
- The ability to build and maintain successful relationships with fellow prisoners and prison staff;
- Successful engagement in work, (including offending behaviour/offence-related courses).

6.2.6 All of these should ideally have been sustained over a lengthy period and in more than one prison. It is not to be assumed that the presence of one or all of these factors will be conclusive of exceptional progress having been made in any individual case. Whether the necessary progress has been made will be a matter to be determined taking into account the specific factors present in each case.

6.2.7 To reach the threshold of exceptional progress there would also need to be some extra element to show that the prisoner had assumed responsibility and shown themselves to be trustworthy when given such responsibility. Such characteristics may well be demonstrated by the prisoner having done good works for the benefit of others. Examples would be acting as a Listener (helping vulnerable prisoners), helping disabled people use prison facilities, raising money for charities, and helping to deter young people from crime. Again, ideally, there would need to be evidence of sustained involvement in more than one prison over a lengthy period.

PART 2 – PAROLE BOARD REVIEWS

6.3 Pre-Tariff Reviews for ISPs

6.3.1 Pre-Tariff ISPs are eligible to have their case referred to the Parole Board to consider their suitability for transfer to open conditions up to three years prior to their TED. In order to target Parole Board and HMPPS resources effectively, the Secretary of State only refers those pre-tariff cases to the Parole Board where there is a reasonable prospect of the Board making a positive recommendation. Prior to a scheduled pre-tariff review, a pre-tariff sift will take place to ascertain whether an ISPs pre-tariff review should take place.

Pre-tariff Sift

6.3.2 PPCS calculate the pre-tariff review date once they have received notification of a newly sentenced ISP. Prisons will be made aware of the pre-tariff review date shortly after via a notification (see requirement paragraph 4.1.8).

6.3.3 The SPRM should consider whether to recommend that a case be referred to the Parole Board for consideration of the prisoner's suitability for open conditions. As part of this recommendation, practitioners must consider the first two criteria of the test for open conditions (set out in guidance 6.7.2).

6.3.4 No sift is required for prisoners who are excluded from open conditions in line with the Secretary of State's policy on exclusion from open conditions (see constraint paragraphs 5.6.1 to 5.6.3) or where a Parole Board recommendation is not sought (see constraint paragraph 5.3.5). Prisons should consult the PPCS if there is any doubt over whether a sift is required. Where a Category A/Restricted Status prisoner is re-categorised prior to the commencement of their on-tariff parole review, prisons should consider whether the prisoner merits a pre-tariff sift, see 4.5.13 of this Framework.

6.3.5 The following areas should be considered by the SPRM in making their recommendation to PPCS:

- Static risks identified in the case;
- Current Asset Plus or OASys Risk of Serious Harm assessment;
- Risk of abscond;
- Interventions undertaken or ongoing, including accredited programmes and completion dates where applicable;
- Progress against objectives in the sentence plan and prisoner's engagement with this progress;
- Custodial behaviour;
- Outstanding sentence planning targets:
- Security information available.

6.3.6 The following factors will normally lead to a presumption that the prisoner does not meet the criteria to be referred to the Parole Board for a first/further pre-tariff review, however this does not mean the prisoners are automatically excluded. The prisoner may be eligible for an exceptional transfer to open (see requirement chapter 4.4).The factors are:-

- Exclusion from open criteria is met (see constraint paragraph 5.6.1 and 5.6.3)
- OASys assessment of high/very high risk of harm;
- A proven adjudication for serious violence within last 12 months.

6.3.7 Where factors have been identified that may preclude the ISP from a pre-tariff review the SPRM must record them in the SPRM minutes, stating that the prisoner has been deemed unsuitable for referral. Where such factors do exist but the SPRM considers that there are exceptional circumstances leading them to conclude that the prisoner's case should be referred, the minutes must set out clearly what the circumstances are which have led to this exceptional recommendation.

Further Pre-Tariff Request

6.3.8 Where a prisoner is considered to have made good progress since their last SPRM or since their last pre-tariff review, the SPRM may consider whether it is appropriate to recommend that the case be referred to the Parole Board for a further pre-tariff review prior to tariff expiry. The decision to recommend referral is for the SPRM. As part of this, practitioners must consider the first two criteria of the test for open conditions (set out in guidance 6.7.2).

6.3.9 The criteria to be applied for a further review are the same as for an initial pre-tariff review, namely: there is evidence of sufficient progress on the part of the prisoner to suggest that if the case was referred to the Parole Board, there would be a reasonable prospect that the prisoner may receive a positive recommendation in support of a transfer to open conditions.

6.3.10 Governors may delegate any requirement under this process to suitable grades within their establishment as long as that person has the necessary knowledge and skills to perform that requirement.

6.4 Exceptional Transfer to Open Conditions

6.4.1 The Secretary of State is required to consider transfer to open conditions in cases where an ISP has demonstrated exceptional progress whilst in custody. This decision is made without reference to the Parole Board. The Secretary of State will apply all three of the criteria in the test for open conditions criteria (set out in Guidance 6.7.2), alongside the criteria for exceptional progress when considering an exceptional transfer to open conditions.

6.4.2 This process only applies to ISPs where the case has been referred to the Parole Board, other than in exceptional circumstances. Where exceptional circumstances apply, PPCS will request reports from HMPPS report writers (including a view on a move to open conditions).

6.4.3 The criteria for exceptional progress are:

- The prisoner's parole dossier must contain evidence that the prisoner has made significant progress in addressing all identified risk factors; and
- There must be a consensus among report writers that the prisoner is suitable and safe to be transferred to open conditions; and
- There are no areas of concern identified which would clearly benefit from further exploration by an oral hearing of the Parole Board (this criterion does not apply for Category A/Restricted Status cases); and

- The prisoner has demonstrated in their representations that there are clear benefits to being transferred to open conditions immediately rather than following the established process (for example, because it would maintain the momentum of their recent progress or would allow sufficient time for the prisoner to be fully tested in open conditions prior to the expiry of their tariff or in Category A cases/Restricted Status, provide evidence that there are exceptional circumstances which would require an immediate progression to category D, rather than transferring first to a Category B or C prison).

6.4.4 As part of this consideration, practitioners must consider whether the first two criteria of the test for a move to open conditions are met (see guidance at 6.7.2).

6.4.5 Applications for an exceptional transfer to open can be submitted to PPCS in the following ways:

- If the prisoner does not have legal representation, the prisoner can apply via the prison;
- If the prisoner does have legal representation, the legal representatives can apply;
- Exceptionally the prison can apply where it has been identified as part of an SPRM that the prisoner would benefit from an exceptional transfer to open.

6.4.6 Applications should provide any supporting evidence that will aid PPCS with determining whether the prisoner qualifies for an exceptional transfer to open.

6.4.7 Applications are considered on their individual merits, although usually the prisoner will have to meet all the criteria for their application to be regarded as exceptional. The restrictions on transferring to open conditions by virtue of any previous absconds, escapes (For further information please see Release On Temporary Licence Policy framework) or deportation status also apply (for further information please see Release on Temporary Licence Policy Framework). PPCS will make the final decision on whether to transfer an ISP to open conditions without reference to the Parole Board.

6.4.8 If a **Category A/Restricted Status prisoner** has applied to move to open conditions under the exceptional transfer to open criteria, the Head of PPG (the decision maker) will take the final decision, in consultation with the HMPPS Director of the Long Term High Security Estate (or their delegate).

6.4.9 In the event that an exceptional transfer to open conditions is accepted then in pre-tariff cases, PPCS will confirm that the transfer to open has been approved and that the referral to the Parole Board has been withdrawn. For on and post-tariff reviews, the Parole Board will continue to review the case but only in terms of suitability for release.

6.5 Generic Parole Process (GPP)

Timing and Frequency of Parole Board reviews

6.5.1 An ISPs first Parole Board review must take place no later than their tariff expiry date and must take place at least every two years thereafter.

6.5.2 A parole eligible terrorist and terrorist connected prisoner will be parole eligible at the two thirds point of their sentence or, if their sentence is an Extended Determinate Sentence, Special Custodial Sentence for Certain Offenders of Particular Concern or Extended Sentence for Public Protection, at the two thirds point of their custodial term. Their first review must take place no later than their Parole Eligibility Date (PED) and at least every two years thereafter until the expiry of their sentence or custodial term (as applicable), at

which point they must be released. A parole-eligible terrorist and terrorist-connected prisoner is a prisoner serving a determinate sentence for an offence listed in s247A(2) of the CJA 2003 (being a terrorist offence specified in Part 1 or Part 2 of Schedule 19ZA to the CJA 2003 or an offence which was determined by the Court to have had a terrorist connection, as described in s247A(7A)). This provision overrides the timing and frequency provisions of the determinate sentences specified below.

6.5.3 Those serving any extended sentences, including Extended Determinate Sentence (EDS) imposed before 13 April 2015 where the custodial period was one of ten years or more or where the offence was listed in Schedule 5B of the CJA 2003, as well as all those serving and EDS imposed on or after 13 April 2015, will be parole eligible at the two thirds point of their custodial term. Their review must take place no later than their Parole Eligibility Date (PED) and at least every two years thereafter until the expiry of their custodial term, at which point they must be released.

6.5.4 Those serving a Special Custodial Sentence for Certain Offenders of Particular Concern (SOPC) pursuant to sections 252A, 265 and 278 of the Sentencing Act 2020 (formerly section 236A of the Criminal Justice Act 2003) are eligible for release by the Parole Board following service of the requisite custodial term (for terrorist offenders on a SOPC, see para 6.5.2 above).

For sex offences listed in Part 2 of Schedule 13 to the Sentencing Code the requisite custodial period is:

- one half of the custodial term (for sentences imposed between 13 April 2015 and 27 June 2022), or
- two-thirds of the custodial term (for sentences imposed on or after the 28 June 2022).

6.5.5 The Sentencing Act 2026 added Part 3 (Offences involving or connected with a threat to national security) to Schedule 13 to the Sentencing Code. For offenders convicted on or after 22 March 2026 of one of these offences, a SOPC must be imposed where immediate custody is required, unless the court imposes an extended or life sentence. For offenders aged under 18, the SOPC provisions apply where the relevant offence is committed on or after 22 March 2026, subject to the same exclusions for extended or life sentences These prisoners are eligible for release by the Parole Board after serving two-thirds of their custodial term.

6.5.6 The first review for prisoners serving SOPC must take place no later than their PED and at least every two years thereafter until the expiry of their custodial term, at which point they must be released. Prisoners sentenced to a SOPC for sex offences prior to 28 June 2022 will not be affected by this change.

6.5.7 Those serving a Discretionary Conditional Release (DCR) sentence have their PED at the halfway point of the sentence and must be reviewed annually thereafter until the two thirds point of the sentence, at which point they must be released.

6.5.8 For those standard determinate sentenced prisoners subject to the Power to Detain process, the Parole process (potentially expediated) will commence once the HMPPS panel has taken a decision that a case should be referred to the Parole Board. Consideration to refer to the Parole Board under the Power to Detain should not take place more than 12 months prior to conditional release.

6.5.9 Those prisoners serving an Extended Public Protection (EPP) sentence that was imposed before 14 July 2008 are eligible for parole at the halfway point of their sentence and will be reviewed annually until the expiry of their custodial term.

6.5.10 The review date is calculated on the basis of time spent in custody. If a prisoner escapes, then the date of his or her review will normally be put back by the period the prisoner was unlawfully at large.

6.5.11 It is imperative that PPCS and prisons ensure the timely commencement of the GPP. It is essential that all parties adhere to the GPP timetable to ensure that the review process is concluded on time.

PPUD Automatic Notifications

6.5.12 When a new document is uploaded to a placeholder in the dossier on PPUD, the uploading member of HMPPS staff should click 'Create Dossier' to issue an automatic notification. The automatic notification will notify them that a new report has been added to the dossier and the dossier was recompiled.

6.5.13 The automatic notification is issued to all parties listed on the PPUD contact list for that review including the Probation Service, the holding prison and Parole Board. It is important that the correct contact details for all parties are stored on PPUD and are regularly updated. If the contact details are incorrect or an incorrect party (e.g. prison) is recorded on PPUD, the notification will still be issued to them.

Compiling the Core Dossier

6.5.14 PPCS will complete a review of the core dossier at the start of each GPP review. It is the Prison's responsibility to provide up to date previous convictions (and any other requested documents) at this stage upon request from PPCS. All mandatory documents are set out in The Parole Board Rules and prisons must ensure that they provide the document to PPCS when requested.

Review Initiation – Week 0

6.5.15 Upon receipt of the automatic PPUD notification that the core dossier has been compiled, PPCS will commission the following mandatory documents:

On/Post Tariff PAROM1 (Probation Practitioner)

- The full OASys report reviewed within the last 12 months from the target month of the review hearing, countersigned, where required, by OASys supervisor

On receipt of the automatic notification, the prison will commission the following mandatory reports:

- On/Post Tariff Parole Custody Report (previously SPRL) to be provided within four weeks.
- SPR H - security report to be provided within three weeks.

6.5.16 The Prison may commission/upload to the dossier the following reports where identified as necessary:

- SPR E – PRA (Psychology Risk Assessment) Report;
- SPR F – Health Care Report;
- Prisoner's personal representations.

Reports for Parole Reviews

6.5.17 All reports should be completed in line with the timescales requested and added to the parole dossier in a timely manner to ensure the GPP process can be progressed appropriately.

6.5.18 All reports provided should be of good quality to ensure that they provide the Parole Board with all information pertaining to the prisoner's risk, plans for progression (in line with their sentence plan) and suitability for release into the community. The information must be up to date, accurate and reliable. HMPPS staff should take a collaborative approach (including close liaison with the VLO), sharing information with other report writers and departments where appropriate, to enable well informed, good quality and timely submission of reports for the Parole Board. Their contents should be supported by evidence, with sources of information noted. Further information is available on the following links - Parole and Recall Dossier Quality Principles document and the OMIC Parole Quality Assurance Frameworks.

6.5.19 Further to the amendments to the Parole Board Rules 2019, which introduced the overarching Secretary of State view, in line with requirement 4.5.12, when report writers create a report for the parole dossier, they are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or moved to open prison conditions, provided that they feel able to give such an opinion. Any professional opinion which the report writer gives the Board should be made by reference to the report writer's area of competence, as well as to their interactions with the prisoner. From 16 December 2025, Category A/Restricted Status indeterminate sentenced prisoners will no longer be referred to the Parole Board for advice on open conditions. In these cases, report writers may only provide a view on whether the prisoner is safe to be managed in the community. They must not comment on whether a move to open is recommended (see constraint 5.5.4).

6.5.20 HMPPS report writers (including those externally commissioned and written on behalf of HMPPS) must continue to provide a rigorous and comprehensive assessment of the prisoner's risks and needs, using evidence-based tools and applying their professional judgment. Fundamental to the risk/needs assessment will be an account of the activities, interventions, and other work which the prisoner has completed with a view to reducing their risk, as well as a statement of outstanding risk factors. In addition, a full risk management plan should be provided which sets out how specific areas of risk will be managed on release.

6.5.21 Probation Practitioners/YJSs should include any available information on aftercare provisions for those prisoners who have previously been detained under the Mental Health Act 1983 in reports to ensure that the Parole Board is in receipt of all necessary information. Please see 6.11.12 for further information.

6.5.22 The Parole Board Rules do not affect the Parole Board's powers to specifically direct that a report writer provides a report which contains an opinion on a prisoner's suitability for release or open conditions. In those circumstances, report writers must comply with the Parole Board's direction to the extent that they feel able to give an opinion. Further guidance is available via this link on EQuiP.

6.5.23 Following the High Court's judgement in *Bailey and Morris v Secretary of State for Justice* [2023] EWHC 555 (Admin), changes were made to the Parole Board Rules 2019 which came into force on 3 April 2023. HMPPS witnesses attending an oral hearing (including psychologists commissioned by HMPPS) should be mindful that the Parole Board has a power to ask witnesses questions to satisfy itself of the level of risk of the prisoner. It is a matter for the Parole Board to determine what questions it asks a witness, and witnesses

must assist the Parole Board by providing answers to their questions to the extent that each witness is able to answer the question. Any professional opinion which the witness gives to the Parole Board should be made by reference to their area of competence, in addition to their interactions with the prisoner.

6.5.24 HMPPS witnesses must co-operate with the Parole Board and must truthfully answer any questions posed by the Parole Board during the hearing, to the extent that the witness feels capable of providing the Board with an answer. If a witness feels capable of providing an opinion on the question of whether a prisoner can be safely managed in the community or be transferred to open conditions, they should provide the Parole Board with their opinion. Where the witness feels unable to provide a professional opinion, they should explain why. Witnesses who provide the Parole Board with their opinion should ensure that the opinion presented is their own, and not on behalf of the Secretary of State. The Secretary of State is a party to Parole Board proceedings and may wish to present their own overarching Secretary of State view as to whether or not the statutory release test is met, or on whether a prisoner should be moved to open conditions, see requirement 4.5.17 for further information.

6.5.25 It should be noted that from 3rd February 2025 the Victims and Prisoners Act 2024 codifies the statutory release test and sets out in legislation some of the factors the Parole Board must consider when making a decision on release. More information on this is available on EQuiP.

6.5.26 Where considered appropriate, the Secretary of State may choose to provide the Parole Board with an overarching Secretary of State view which takes account of all reports and available evidence, including any professional opinions offered by report writers pertaining to the prisoner's suitability for release. The Public Protection Group will agree with the Secretary of State which cases meet the criteria for an overarching Secretary of State view. HMPPS Report Writers will be informed at the earliest opportunity where the Secretary of State chooses to provide an overarching view. Where an overarching Secretary of State view is provided, the Secretary of State will be represented at an oral hearing by either a Secretary of State representative or by legal Counsel.

6.5.27 HMPPS reports should continue to provide any factual evidence which may be pertinent to the criteria for an overarching Secretary of State view, which are: The nature and characteristics of the offending are particularly severe and risks damaging public confidence if the prisoner were to be released (e.g., where the victim(s) was a child or vulnerable; or cases with a sadistic or predatory motivation):

- Cases involving multiple victims or where there is a history of serious offending, indicating a pattern or escalation of such offences;
- Where the gravity of the offending behaviour indicates that, if further such offences were to be committed, the level of harm to the public would be particularly grave; and
- Where a case raises issues in relation to victims' confidence more broadly in the parole system.

6.5.28 In the case of Johnson[15], the High Court confirmed that the Parole Board must consider the risk that a prisoner may pose to the public if they were released from custody, up to and beyond their conditional release date and sentence expiry date (SED). The decision must be taken purely by reference to the need to protect the public. If their assessment is that the prisoner will pose a more than minimal risk of serious harm to the public, then the release test is not met. However, also note, the High Court in *Dich and Murphy* [2023] EWHC 945

[15] *Secretary of State for Justice v The Parole Board* [2022] EWHC 1282 (Admin)

(Admin) clarified the test and held there must be a causal link between preventing/reducing risk and continued detention for the release test to be satisfied. This also applies to offenders who have been recalled to custody. Further information on the Johnson judgement is available via this link.

6.5.29 Probation Practitioners are encouraged to consider what reports/information or referrals might also be necessary for the parole review, (for example, healthcare reports, local authority reports, referrals to social care or accommodation providers) and ensure that the progress of the completion of these reports/referrals is contained within the PAROM in order to update the Parole Board accordingly. POMs should assist to ensure these reports/referrals are progressed, for example, by providing the Probation Practitioner with necessary information and support the individual to engage with this progress. When commissioning reports that require funding, this will be a matter for the Parole Board to consider and direct where deemed necessary.

6.5.30 It is imperative that the dossier includes contributions from a range of staff as effective risk assessment is based on a multi-disciplinary approach that draws on a range of sources.

6.5.31 Healthcare information is likely to be required by the Parole Board where the prisoner's physical or mental health is relevant to their risk of harm. For example, it may have an impact on their physical ability to commit another serious violent offence, or the prisoner may need specialist care and/or accommodation to be available before they can be safely released on licence.

6.5.32 Prison healthcare staff will be asked to provide evidence to the Parole Board on a professional basis, not an expert basis. This means that they are required to provide factual evidence about the prisoner's health, such as the diagnosis, including any autism diagnosis, their physical capacity, the treatment being provided and where appropriate, their prognosis. They are not required to provide an opinion on the prisoner's risk of harm and should not offer one. The task of assessing risk is the responsibility of the POM, Probation Practitioner and in some cases, a psychologist or other expert.

6.5.33 NHS England and NHS Wales have confirmed that requests by the Parole Board for professional evidence, including oral evidence, are covered by existing healthcare contracts and therefore should be completed as 'business as usual' tasks. In the event that Healthcare staff raise issues about their contractual requirements they should be referred to this Framework and advised to seek guidance from their local commissioning team in the first instance. If concerns persist then OMU staff must escalate the matter to PPCS.

6.5.34 Specialist reports (for example reports providing expert evidence pertaining to risk) are not covered under the NHS healthcare contracts. It is the responsibility of the holding establishment to pay any fees for these specialist reports directed by the Parole Board. Where prisons are unsure if the report is considered a specialist or professional report, they can contact the PPCS case manager for advice. Further guidance on Parole Board directed specialist reports can be found here.

6.5.35 Where there are concerns that a direction for a specialist report may not be necessary, these should be addressed as soon as possible, via the variation/revocation process (please see Requirement 4.5.49).

6.5.36 Where there are concerns that a direction for a specialist report may not be clear, clarification should be sought, or a variation requested (please see Requirement 4.5.49).

6.5.37 Upon being notified of any dispute about the completion of a report, PPCS will seek to resolve the matter in conjunction with colleagues in the NHS England/Wales as necessary.

6.5.38 When all mandatory prison-based reports and any supporting documents have been uploaded to PPUD, the prison must manually complete milestone 21a. The prison will check the reports prior to uploading them in line with the Parole and Recall Dossier Quality Principles guidance document. The prison will also ensure that all prison-based reports are disclosed to the Probation Practitioner.

6.5.39 PPCS is responsible for referring the dossier to the Parole Board. In cases where the prisoner is held in hospital, PPCS will provide a copy of the dossier via email. Upon receipt of the dossier, the hospital must ensure that a copy of the full dossier is disclosed to the prisoner immediately and that the prisoner is given the opportunity to discuss their case with their legal representative either on a legal visit or on the telephone or via video link. The dossier and all information regarding the prisoner's parole should be provided in person. If a VPS is present in the dossier at this stage, then the hospital will need to take appropriate measures to store it as detailed in requirement 4.5.70.

Parole Board Member Case Assessment (MCA) – Week 14

6.5.40 The Parole Board will become responsible for requesting legal representations from the point of formal referral by PPCS. The Parole Board will issue a decision at MCA stage. Further information is available in the Member Case Assessment (MCA) Guidance.

6.5.41 The Parole Board will be responsible for acquiring all third-party directions (except where any third-party report is intrinsic to the proposed risk management plan for the prisoner). PPCS will retain responsibility for all directions compliance in National Security and terrorism risk cases, managed by the PPCS National Security Casework Team. The Parole Board will be responsible for re-compiling and disclosing the dossier as shown in requirement paragraph 4.5.45.

6.5.42 All Parole Board directed HMPPS directions will remain the responsibility of PPCS and the prison, including the recompiling of the dossier and disclosing the dossier to all parties.

Decision Outcomes – No Direction of Release / Negative Decision

6.5.43 Where the Parole Board makes a negative decision on the papers at the MCA Stage e.g. that the prisoner must stay in closed conditions, the prisoner has 28 calendar days to make representations requesting an oral hearing. The decision will remain provisional until the 28 calendar days have elapsed, after which the decision will become final (unless the prisoner has successfully requested an oral hearing), or the decision is subject to reconsideration.

Decision Outcomes – Direction of Release

6.5.44 All parties should refer to requirement chapters 4.6 and 4.8 and guidance chapters 6.6 and 6.8 in this framework.

Oral Hearing Directions

6.5.45 See guidance paragraphs 6.5.38 to 6.5.40 for information on the Parole Board Member Case Assessment (MCA).

Notification of Oral Hearing Date

6.5.46 The attendance of witnesses at an oral hearing is a matter for the Parole Board. Each party must apply in writing to the Parole Board (copied into the other parties) for leave to call witnesses. A witness may only attend if so directed by the Parole Board.

6.5.47 The Parole Board will contact all witnesses who have been directed to attend the hearing to ascertain their availability, so that this can be taken into account when the hearing is listed. It is important that witnesses provide their availability direct to the Parole Board within the deadline set. The Parole Board is not bound by witness availabilities.

6.5.48 Witnesses not based at the prison where the hearing is being held are encouraged to apply to give their evidence by video- or telephone conference wherever possible in order to reduce travel expenses and improve efficiency by reducing time spent out of the office.

6.5.49 Where a HMPPS member of staff wishes to attend an oral hearing as an observer, they should apply in writing via PPCS to the Parole Board. PPCS will submit applications to observe an oral hearing eight weeks before the date allocated for the oral hearing. The panel chair will considered the request, and will agree or refuse. The Parole Board will consult with the prisoner prior to agreeing or refusing any such request. Victims engaged with the Victim Contact Scheme can also apply to observe an oral hearing and should speak to their victim liaison officer.

New Information Relating to Risk

6.5.50 Where new information comes to light regarding the prisoner's risk at any point during the parole process, the relevant report writer should contact PPCS immediately.

Secretary of State Representatives

6.5.51 PPCS will consider sending a Secretary of State Representative to attend an oral hearing but only where representation is required in order to facilitate the progress of the review.

6.5.52 Where PPCS deem it appropriate for a Secretary of State Representative to attend, they will inform the prison and the Parole Board who the representative will be in advance of the hearing.

6.5.53 Further to the requirement at 4.5.14, which sets out the amendment to the Parole Board Rules 2022, where considered appropriate, the Secretary of State may choose to provide the Parole Board with an overarching Secretary of State view which takes account of all reports and available evidence, including any professional opinions offered by report writers. Where an overarching Secretary of State view is provided, the Secretary of State will be represented at any oral hearing by either a Secretary of State representative or by legal Counsel.

6.5.54 In addition, and entirely separate to the above, HMPPS (via the HMPPS Victim Representative) also provides support to victims who choose to attend a face to face or public oral hearing in order to read a Victim Personal Statement (VPS). Where a VPS is being read by a victim remotely, the victim will be supported by their Victim Liaison Officer.

Setting Aside Parole Board Release Decisions

6.5.55 The Parole Board has the power to set aside a final release decision, where the case meets the following criteria:

Where a direction given by the Parole Board for the release of a prisoner, which the Parole Board determines it would not have given if:

i). It had received information that was available but that was not provided to the Parole Board when they made the decision, or,

ii). a change in circumstances relating to the prisoner, that occurred after the decision was issued, had occurred prior to the decision being made.

6.5.56 PPCS (on behalf of the Secretary of State) has **up until the prisoner is released from custody** to apply to the Parole Board for the decision to be set aside where it believes that there is **new information or a change in circumstances.**

6.5.57 If the Parole Board becomes aware of information that may require setting aside the original decision, it has the authority to initiate this process. In such cases, the Parole Board will seek representations from both the Secretary of State and the prisoner (and legal representative, where applicable). The process will follow the same requirements outlined above, and HMPPS staff must comply with all relevant procedures (see requirements 4.5.79 - 4.5.86).

6.6 Reconsideration of Parole Board Decisions and High Court Referrals

Reconsideration of Parole Board Decisions

6.6.1 Extension requests should only be submitted in exceptional circumstances.

6.6.2 Where the prisoner wishes to request an extension of the application window, the extension request must be sent direct to the Parole Board FMB Reconsideration@paroleboard.gov.uk within the 21-calendar day deadline. Extension requests can be submitted direct from prisoners or via their legal representative. Legal representatives should send extension requests direct to the Parole Board FMB Reconsideration@paroleboard.gov.uk. Requests sent to PPG in error will not be accepted by the Parole Board. Extension requests should provide clear reasons why the extension is required and must be submitted to the Parole Board prior to day-21.

The Criteria

6.6.3 Applications for reconsideration should only be submitted where the eligibility criteria are met. The eligibility criteria are a party may apply to the Board for the case to be reconsidered on the grounds that the decision:

a. Contains an error of law;
b. Is irrational; or
c. Is procedurally unfair

6.6.4 Applications can be submitted direct from prisoners or via their legal representative to the Parole Board FMB Reconsideration@paroleboard.gov.uk.

Applications

6.6.5 The Secretary of State or the prisoner must submit any application for reconsideration within the prescribed window, which may have been reduced or extended. If a victim or interested party wishes to provide representations for reconsideration, they should be provided in a timely manner to ensure the Secretary of State can give full consideration to the request. PPG review all eligible release decisions, and should representations be received from the victim/interested party, they will consider the request against the criteria.

6.6.6 The prisoner cannot be released while the decision is provisional. However, Probation Practitioners and PPCS must continue to plan for the prisoner's release in the normal way to ensure release goes ahead as soon as possible following the window closing. The length of time that the decision will remain provisional will depend on whether an extension

has been granted and whether an application is submitted. The prison should not release the prisoner until PPG have confirmed that the release decision is final.

Exceptionally reducing the 21-day reconsideration window

6.6.7 There is a general power under Rule nine of the Parole Board Rules 2019 for the Parole Board to alter any of the normal times limits set out in the 2019 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*". An application to alter the normal time limits could be made by the Secretary of State or a prisoner (or legal representative, if applicable). This guidance identifies the cases in which either party can apply to the Parole Board to shorten the 21-day reconsideration period, pursuant to Rule 9. A reduction of this reconsideration window would render the Parole Board decision final earlier, to allow for the prisoner's earlier release.

6.6.8 An application to the Parole Board to shorten the 21-day reconsideration period can be made when the below three conditions are satisfied. An application may only be submitted by the HMPPS Reconsideration Team, on behalf of the SSJ, or the prisoner.

1. There are no victims signed up to the Victim Contact Scheme or the Secretary of State has received and considered a request from a victim for reconsideration, and there is no likelihood of further victim requests; *and*
2. The Secretary of State is satisfied that there are no grounds on which to make a reconsideration application; *and*
3. There are exceptional reasons which justify an application to shorten the 21-day reconsideration period, including circumstances for example where:

    (1) the prisoner is at risk of losing their place in an Approved Premises or other specialist accommodation;
    (2) the prisoner may lose an opportunity to take up employment;
    (3) the continuity of a prisoner's healthcare, treatment or medication will be compromised;
    (4) continued detention may significantly impede arrangements to deport the prisoner;
    (5) there are other exceptional reasons which justify an application to shorten the 21-day reconsideration period to allow for the prisoner's earlier release.

Secretary of State Referrals to the High Court

6.6.9 The statutory test for referral is where it is considered that the release of the prisoner would likely undermine public confidence in the parole system; and the High Court might not be satisfied that the release test has been met.

6.6.10 The referral of a case to the High Court is at the discretion of RHCRS on behalf of the Secretary of State and will be considered on a case-by-case basis in line with guidance. . The prisoner must meet the statutory criteria to be eligible to be considered for referral, and must also meet the policy criteria, with cases therefore expected to be referred in limited circumstances. More information on the referral considerations is available on EQuiP.

6.6.11 The High Court determines how the case will progress through the court and therefore it should not be assumed that the High Court process will be a repeat of the Parole Board process. It will be at the discretion of the judge whether to consider a prisoner's case 'on the papers', or whether to direct an oral hearing. The format of any oral hearing will also be at the discretion of the judiciary. For example, they may ask that representations are made

by the SSJ and prisoner, without calling witnesses such as prison or probation staff, or they may ask that witnesses produce new reports or provide oral evidence to the court.

6.6.12 The High Court has the full powers of a court and all the Secretary of State's interactions with the Court will be via PPG. RHCRS will guide HMPPS staff on what is required. The directions of the High Court are binding on the SSJ (including prison and probation staff) and must be prioritised and complied with because they are legal obligations. If there are any concerns about compliance with the court's timeframes or directions, staff must raise them urgently with RHCRS. Essential information must be communicated as early as possible to RHCRS including any non-disclosure issues or any risks presented by information in the parole dossier being shared or becoming public. Failure to comply with court directions has consequences including fines, sanctions or being held in civil contempt of court, as well as reputational risk for the Department.

6.6.13 The High Court will decide whether to make an order requiring the Secretary of State to give effect to the Parole Board's decision, and release the prisoner, or quash the release decision, meaning the prisoner would remain in custody pending their next parole review. The prisoner and SSJ can apply to the Court of Appeal if there are errors of law or procedural unfairness in the High Court's decision.

6.6.14 The Secretary of State can refer decisions by the Parole Board to release a recalled IPP offender unconditionally (i.e. without licence). In these cases, if the High Court upholds the Parole Board's decision, then the Secretary of State must give effect to that decision and release the offender unconditionally. If the High Court quashes the Parole Board's decision, the prisoner will remain in custody and be referred back to the Parole Board within two years.

6.7 Setting the next review date

6.7.1 When considering the timing of the next review, PPCS will:

- Check outstanding and ongoing activities and interventions identified within reports that were placed before the Parole Board in the dossier and as recommended by the Board in its decision;
- Consider the ROTL timetable for ISPs as set out in the Release On Temporary Licence (ROTL) Policy Framework. Check the NPD/CRD date for determinate sentence prisoners;
- Establish with OMU staff and Probation Practitioners any necessary activities and interventions that might need completing, outline a timeframe for completion of any interventions on the sentence plan including the nature of the interventions highlighted by the Parole Board decision and any views that the Board expresses in relation to a testing period;
- Establish the length of the relevant interventions, including the time required to produce post-programme reports in consultation treatment managers/programme managers and other relevant staff;
- Consider those activities and interventions which have been completed or other positive aspects of behaviour that may have been included within the dossier or commented upon by the Parole Board.

ISPs Transferring to Open Conditions

6.7.2 The Secretary of State (or an official with delegated responsibility) will accept a recommendation from the Parole Board (approve an ISP for open conditions) only where:

- the prisoner has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where the prisoner in open conditions may be in the community, unsupervised under licensed temporary release); and
- the prisoner is assessed as low risk of abscond; and
- there is a wholly persuasive case for transferring the ISP from closed to open conditions.

6.7.3 Where the Parole Board recommendation was based on incorrect information, the Secretary of State (or an official with delegated responsibility) is unlikely to accept the recommendation. The case will normally be referred again to the Parole Board for a fresh consideration and new recommendation, with an explanation, rather than submitting it for formal rejection. For example, where the Board have recommended open on the basis that a particular course is available in open conditions and in fact it is only available in closed conditions.

6.7.4 When considering whether a prisoner is ineligible for a transfer to open conditions due to an abscond, failure to return or escape continues until the prisoner is returned to custody; and the definition of a failure to return is defined as follows:

- where a prisoner has failed to return to an establishment from ROTL and Unlawfully at Large (UAL) contingency plans have been activated, including notification to the police, unless the prisoner surrenders to prison or police custody later the same day, or other exceptional circumstances apply (e.g. where following further enquiries, the governor is satisfied that the prisoner was unable to return as required due to circumstances beyond their control). The failure to return continues until the offender is returned to custody.

6.7.5 There is a very strong presumption that an ISP with a history of recent or repeated absconding will not be suitable to transfer to open conditions. However, exceptionally, the prisoner might be assessed as to their suitability for open conditions at the next, and each successive, parole review. It is for PPCS to make the assessment as to whether the test of exceptional circumstances is met in each given case following the GPP. The exceptional circumstance criteria are as follows:

- You have made significant progress in reducing your risk of harm and risk of abscond such that a further abscond is judged very unlikely to occur; AND that you meet one or more of the following exceptions:

  1) there are compelling circumstances beyond your control which make a placement in open conditions necessary;

  2) a placement in open conditions is absolutely necessary, in that your need to provide evidence of reduced risk for your parole reviews and your need for resettlement work cannot be met in a progressive regime in closed conditions;

  3) preventing your return to open conditions would in all the circumstances be manifestly unjust/unfair.

6.7.6 Terrorist and terrorist connected offences

There is a presumption that any prisoner serving a custodial sentence, whether determinate or indeterminate, for an offence listed in section 247A(2) of the Criminal Justice Act 2003 is unsuitable for open conditions, unless exceptional circumstances can be evidenced. Alternate options should be considered e.g. a Progression Regime. In indeterminate cases only, should the POM/ Probation Practitioner consider a prisoner meets the definition of the above offences then they should discuss this further with PPCS and their Regional Counter Terrorism Team or prison CTU (in the High-Security Estate), if they require further guidance. It is for PPCS to determine whether the circumstances are exceptional. Where considered exceptional, the referral to the Board must include consideration of open conditions. For further information, on categorisation and open conditions for determinate prisoners, please see Security categorisation policy framework - GOV.UK.

Irish Citizens

6.7.7 Irish citizens serving an English or Welsh prison sentence are not treated as Foreign National Prisoners (FNPs) within the England and Wales jurisdiction. This is in line with the Common Travel Area (CTA) arrangement between the UK and Ireland, which provides Irish citizens with the right to live in the UK without immigration restrictions. As a result, they are not subject to deportation or removal in the same way as other foreign nationals and therefore can be repatriated under the same conditions as England and Wales nationals.

6.7.8 Move to open condition decisions must always be taken on a case-by-case basis, based upon the individual circumstances of the case.

6.7.9 Accordingly, Irish citizens serving sentences in England and Wales are generally treated in the same way as UK nationals for operational purposes, including considerations relating to transfer to open conditions.

Indeterminate Foreign Nationals

6.7.10 PPCS must be satisfied that the prisoner is not excluded from open conditions by virtue of their deportation status (see Release on Temporary Licence Policy Framework). An IFNP who is liable for deportation but has not exhausted appeal rights may still be considered for transfer to open conditions. To be considered for a transfer to open conditions IFNPs must be assessed as a "very low risk of abscond”.

6.7.11 Where an IFNP has been recommended a transfer to open conditions by the Parole Board, an enhanced risk assessment will be conducted by the POM at the request of PPCS for further information refer to Release on Temporary Licence Policy Framework.

6.7.12 For more information regarding the eligibility, frequency and duration for different types of ROTL, see the Release On Temporary Licence (ROTL) Policy Framework.

Changing the Date of the Next Review

6.7.13 Where the review period is no longer deemed as sufficient for the prisoner to complete necessary risk reduction work, PPCS should consider extending the review period.

6.7.14 Criteria for extending the review period:

i. New review period complies with the statutory two years period, and

ii. If it is rational and reasonable in all the circumstances (e.g. risk has demonstrably increased – not because of resourcing/timescales).

6.7.15 Where the prisoner has completed all the necessary risk reduction work, before the initiation of the parole review, PPCS can bring the review forward.

6.8 Release

6.8.1 Where the Parole Board directs the release of a prisoner, PPCS will work with the Probation Practitioner and the releasing prison to ensure that the prisoner is released as soon as possible. This includes contacting the Probation Practitioner to confirm the release arrangements and reporting instructions (the time that the released prisoner should report and to whom). This is to ensure the integrity of the release and risk management plan. Where the Probation Practitioner would like to seek a variation to the licence conditions set by the Parole Board, the Probation Practitioner should provide full details of the amended licence condition wording with reasons for the variation to PPCS. PPCS will then seek a variation via SHRF.

6.8.2 If an IFNP is directed release by the Parole Board, see PSI 04/2013 - the Early Removal Scheme and Release of Foreign National Prisoners for further information.

6.9 Adverse Developments

6.9.1 An adverse development occurs where an ISPs behaviour suggests an increase in risk and casts doubt on their suitability for open conditions. Some examples of adverse developments are as follows:

- Escape from closed conditions;
- Abscond from open conditions;
- Failure on ROTL;
- Failing a Mandatory/Voluntary Drug Test;
- Security Information comes to light;
- General behavioural concerns;
- Failing a breath test on return from ROTL;
- Breach of conditions while on ROTL;
- Brewing illegal alcohol;
- Possession of an unauthorised item;
- Arrested for assault;
- Arrested for other offences.

If the POM/Probation Practitioner is unsure whether an incident constitutes an adverse development this should be discussed with PPCS.

6.9.2 Upon receipt of the LISP4 the prisoner has a period of 28 days to make representations. Prisoners should be removed to closed conditions where there is an escalation in risk which the open prison considers to be unmanageable in open conditions. However, where behaviour, or alleged behaviour, is being explored via means of an adjudication for example, and where the immediate risk remains manageable in open conditions, open prisons should wait for the outcome of any adjudication before taking a decision **on whether** to remove an ISP to closed conditions and submitting a LISP4.

6.9.3 Once a decision is received from PPCS on the adverse development (whether the prisoner should be returned to open or remain in closed), prisons should ensure that a review of their categorisation is undertaken to ensure that the ISP is placed in the most suitable establishment depending on their sentence plan objectives.

6.9.4 Whilst waiting for a decision on the adverse development from PPCS, prisons are able to transfer the ISP across the closed prison estate and this should happen wherever possible to ensure that they continue to progress towards their sentence planning objectives.

6.9.5 It is not always necessary to refer the case to the Parole Board for advice. A warning letter may be issued by PPCS in cases where there are concerns about an ISP's behaviour, but the level of risk presented has not substantially increased to warrant more serious action. Warning letters can be issued if an ISP is:

- awaiting transfer to open conditions; or
- has been temporarily transferred from open to closed conditions.

6.9.6 A warning letter should always be considered before a case is referred to the Parole Board for advice. If the adverse development does not affect risk and is not a major development, a warning letter will usually be sufficient. However, a warning letter must not be used where it is considered that the ISP's risk has increased and there is a causal link to the index offence.

6.9.7 It is PPCS' responsibility to add the LISP4 and any other relevant documents to the dossier, once a decision has been made on the adverse development.

6.9.8 IFNPs that have been transferred to open conditions will be removed and returned to closed conditions once they have exhausted the appeal process. Prison should not be removing such prisoners until this has been confirmed (see constraints 5.6.3).

6.9.9 Where prisons consider that the behaviour displayed by the prisoner can be managed within open conditions i.e. does not present an escalation of risk, this should be dealt with in line with local prison processes. In these cases, the LISP4 does not need to be submitted to PPCS.

6.10 Transfer of prisoners during a Parole Board review

6.10.1 Where prisons are considering a transfer during a parole review to allow the prisoner to access a progression opportunity in line with their sentence plan, there must be a clear benefit which will support the delivery of their sentence plan objectives (including OBP, Wellbeing and ETE focused work). It is important to bear in mind the impact that a transfer during a parole review may have on the prisoner's review. As set out in requirement paragraphs 4.10.1 and 4.10.2 the sending prison must take responsibility for completing any outstanding directions as it will normally have greater knowledge of the prisoner. Exceptionally, there may be cases where the receiving prison is better placed to complete the reports.

6.10.2 The sending prison should update PPUD every time a prisoner is transferred to another prison. This will ensure that PPUD has up-to-date details of the prison's OMU FMB as this is where the automatic notification is sent (see guidance paragraphs 6.5.10 and 6.5.11).

6.10.3 Prisons should make every effort to ensure that ISPs' outstanding sentence plan requirements are considered as soon after a Parole Board decision as possible. This is to enable any necessary transfers to undertake outstanding interventions/ROTLs to take place before the next parole review commences. In circumstances where a transfer to access outstanding sentencing planning objectives, i.e. interventions/ROTLs is necessary to support progression during a parole review (but not after an oral hearing date is set) the transfer should be facilitated. For further information on this process, refer to Progressive Transfers for Indeterminate Sentence Prisoners Policy Framework

Transfer between jurisdictions

6.10.4 The Crime (Sentences) Act 1997 (section 41 and Schedule 1) provides for prisoners to be transferred from England and Wales (E&W) to another United Kingdom jurisdiction, the Channel Islands, or the Isle of Man, and vice versa. The provisions are used primarily to facilitate family contact, enabling prisoners to transfer to another jurisdiction either to complete their sentences, or for time limited periods, to receive accumulated visits, please see PSI 16/2011 Providing Visits and Services to Prisoners for more information. There is also provision for prisoners to be transferred for judicial purposes.

6.10.5 Transfers are made on either an unrestricted or a restricted basis. Where transfers are made on an unrestricted basis the continued administration of the prisoner's sentence becomes a matter entirely for the receiving jurisdiction. Where a prisoner is transferred on a restricted basis the sending jurisdiction continues to administer certain aspects of the sentence. PPCS will therefore need to hold a GPP review for eligible prisoners in the following circumstances:

- For prisoners transferred from E&W to another jurisdiction on a restricted basis
- For prisoners transferred to E&W on an unrestricted basis

6.10.6 If the prisoner possesses an English/Welsh last known address, the Probation Service area for that address to assume responsibility for the prisoner, which includes providing reports in the above cases.

6.10.7 If the prisoner does not possess an English/Welsh last known address, the Probation Service area of the sentencing court will assume responsibility for the prisoner, which includes providing reports for the above cases.

Transfer between jurisdictions – Repatriation

6.10.8 Repatriation is the process whereby a prisoner serving a sentence of imprisonment in England and Wales may be able to serve the balance of their sentence in their home country provided that there is an international agreement in place between the UK and the country of origin and the prisoner is subject to a Home Office Deportation Order. Some agreements allow for compulsory transfers but if a prisoner wishes to transfer voluntarily, the Cross-Border Transfer Section should be contacted for confirmation of possibility of transfer at Crossbordertransfers@justice.gov.uk. For further information Foreign nationals in prison policy framework

Restricted Transfer Prisoners and Moves to Open Conditions

6.10.9 Except for prisoners sentenced in Northern Ireland, transfers to open conditions for indeterminate sentenced prisoners, who have been sentenced in another UK jurisdiction, and are held in an English or Welsh Prison subject to a restricted transfer, are a matter for the receiving jurisdiction (England and Wales) (purely a categorisation decision). In line with the current decision-making processes outlined within this Framework, PPCS on behalf of the Secretary of State is responsible for deciding whether an ISP prisoner is suitable for a move to open conditions. The sentencing jurisdiction (e.g. Northern Irish/Scottish/Isle of Man/Channel Islands Parole Board) governs the release of these prisoners into the community subject to licensed supervision.

6.10.10 It should be noted that all restricted transfer indeterminate sentenced prisoners, who were sentenced in Northern Ireland, will remain the responsibility of the Northern Ireland Parole Commissioner. These prisoners will receive a pre-tariff review in line with the Northern Ireland parole process and will be considered for suitability for a move to open conditions, as part of the on/post tariff parole process in Northern Ireland.

As with cases considered by the Parole Board for England and Wales, PPCS on behalf of the Secretary of State is responsible for deciding whether or not to accept these recommendations for a move to open conditions in our jurisdiction (England and Wales).

Restricted Transfer Pre -Tariff Prisoners

6.10.11 As stated in the requirement section of this framework, all restricted transfer ISP pre-tariff prisoners (other than those sentenced in Northern Ireland) must have their suitability for a move to open conditions considered in line with the processes set out in chapter 4.3 of this Framework.

Restricted Transfer On/Post Tariff Prisoners

6.10.12 Restricted transfer indeterminate sentenced prisoners (ISPs) who were sentenced in another UK jurisdiction and are held in an English or Welsh prison will be reviewed for suitability for progression to open conditions at their tariff expiry and on a maximum two-year review cycle thereafter. This brings their review timetable in line with other parole review processes. PPCS, on behalf of the Secretary of State, will set the next review date in accordance with paragraph 6.10 of this policy framework.

6.10.13 The prison is responsible for considering whether a prisoner meets the first two criteria of the test for open conditions (see guidance 6.7.2). In doing so, prisons must give specific consideration as to whether the individual's risks are manageable in open conditions, alongside the progress they have made on their sentence to date. As part of normal sentence planning procedures, the prison should consult with the home area Probation Practitioner for their views on whether a move to open conditions should be recommended and whether it is the right time to commence this new process.

6.10.14 When considering whether a prisoner meets the first two criteria for the test for open conditions, prison should check whether the prisoner is excluded from open conditions, in line with the constraint paragraph 5.6.1.

6.10.15 As set out in the requirements section paragraph 4.10.13, prisons are responsible for completing the 'Restricted Transfer ISP On/Post Tariff – Move to Open Conditions' report (available on EQuiP to download) and providing this report to PPCS. The prison should also provide all relevant sentencing documentation and, where appropriate, a report from security and healthcare.

6.10.16 Where the prisoner is not excluded from open conditions, PPCS will refer the dossier to the Parole Board for advice on open conditions and the case will then broadly follow the generic parole process laid out in chapter 4.5 of this framework. The referral to the Parole Board will only include advice on a move to open conditions. Release is a matter for the sentencing jurisdiction.

6.10.17 Where the Parole Board make a positive recommendation for a move to open conditions, PPCS on behalf of the Secretary of State is responsible for deciding whether or not to accept this recommendation for a move to open conditions in our jurisdiction (England and Wales).

Removal to another jurisdiction – Early Removal Scheme

6.10.18 All determinate sentenced Foreign National prisoners who are confirmed by HOIE as being liable for removal, irrespective of sentence length, offence type or country of origin, must be considered under the Early Removal Scheme (ERS). This allows the Secretary of State to remove prisoners early (up to 18 months before their CRD) and is

not voluntary. For further information see PSI 04/2013 - the Early Removal Scheme and Release of Foreign National Prisoners.

6.11 Prisoners detained under the Mental Health Act 1983

6.11.1 Prisoners transferred under the provisions of the Mental Health Act 1983 (MHA) do not have a right of access to the Parole Board for as long as they are deemed to have a mental disorder which requires in-patient hospital treatment. While time spent in hospital counts towards the sentence for tariff purposes, in the event that a prisoner is transferred to hospital during any part of the parole review process, that review will be suspended. While detained in hospital, the Secretary of State's functions under the MHA, including consideration of their discharge from hospital, come under the responsibility of the Mental Health Casework Section (MHCS) in the Public Protection Group of HMPPS.

6.11.2 Prisoners may be transferred to hospital either immediately by the trial judge when passing sentence (under s.45A of the MHA), or by order of the Secretary of State at any point during the sentence (under s.47). A s.47 transfer direction is often accompanied by a s.49 limitation direction, which places key aspects of the prisoner's time in hospital under the control of the Secretary of State.

6.11.3 The power to send a prisoner to hospital under either s.45A or s.47 may be exercised where there is evidence from two registered medical practitioners that:

- the prisoner is suffering from a mental disorder;
- detention in hospital for treatment is appropriate; and
- that appropriate treatment is available for them in hospital

6.11.4 A prisoner's suitability to remain detained in hospital under MHA is subject to regular reviews by the 'First Tier Tribunal – Health, Education and Social Care Chamber' ('the Tribunal') and the Mental Health Review Tribunal for Wales. Transferred prisoners may apply to the Tribunal during the second six months of their time in hospital and once in any period of 12 months thereafter. MHCS will automatically refer a restricted patient to the Tribunal after any three-year period during which the patient has been continuously detained in hospital and has not had their case considered by the Tribunal.

6.11.5 Where a hospital direction (with a limitation direction) or transfer direction (with a restriction direction) has been made, if the Secretary of State is notified by the responsible clinician or other approved clinician that the prisoner no longer requires treatment in hospital for mental disorder or that no effective treatment can be given, the Secretary of State may remit the prisoner back to prison under s.50 of the MHA.

6.11.6 The Tribunal cannot order the discharge of a transfer direction (with a restriction direction) or hospital direction (with a limitation direction) prisoner without the prior agreement of the Secretary of State. Once the prisoner no longer needs treatment, the Tribunal will either recommend they are discharged, and if the Secretary of State does not agree to discharge they will be remitted to prison or, if the Tribunal recommends a conditional discharge but considers that returning to prison might compromise the prisoner's mental health, the Tribunal can recommend the prisoner remains in hospital pending the outcome of the Parole Board review. This is known as a section 74(1)(b) recommendation.

Accelerated Parole Reviews following transfer to hospital under the provisions of the MHA 1983

Positive Recommendation Cases

6.11.7 Where the Responsible Clinician makes a positive recommendation for discharge to the MHT, MHCS will inform PPCS so that an accelerated parole review can be commenced. The purpose of this is to ensure that all mandatory reports are prepared, and the parole dossier is ready ahead of the conclusion of the MHT to enable a swift referral to the Parole Board on receipt of a potential positive decision from the tribunal.

6.11.8 Where the referral to the MHT is withdrawn prior to the conclusion of the Tribunal, MHCS will inform PPCS. On receipt of this notification, PPCS will inform the prisoner, Probation Practitioner, prison and legal representative that the accelerated parole review has been cancelled.

Negative Recommendation and Remission to prison Cases

6.11.9 In cases where the Responsible Clinician makes a negative recommendation for discharge to the MHT, the parole process will only commence upon receipt of a positive decision from the First Tier Tribunal.

6.11.10 For remitted cases, the parole process will commence at the point that the prisoner returns to the prison estate.

6.11.11 As both types of case do not benefit from a preparation period prior to receipt of the decision, it is imperative that the Probation Practitioner engages with the Responsible Clinician as soon as possible to familiarise themselves with the case and to aid the completion of the PAROM.

Hospital reports and the PAROM

6.11.12 In all mental health parole cases, probation practitioners should familiarise themselves with any available hospital reports to aid completion of the mandatory core dossier reports, including the PAROM. Where available, PPCS will add the below reports to the parole dossier which is available on PPUD for Probation Practitioners to access:

- The Responsible Clinician Report (RASB);
- Facilities Report;
- Nursing Report;
- Social Circumstances Report;
- HCR-20 Psychology Report; and
- MHT decision.

6.11.13 Section 117 of the Mental Health Act 1983 requires Integrated Care Boards (ICB's) and local authorities, in co-operation with health and social care providers and voluntary agencies, to provide or arrange for the provision of aftercare to particular patients detained in hospital for treatment who then cease to be detained. Therefore, Probation Practitioners should be aware of the aftercare provisions put in place for the prisoner when preparing the PAROM. Any available information on aftercare provisions should be included in the PAROM to ensure that the Parole Board is in receipt of all necessary information to make a decision on release.

Parole Board Decisions

6.11.14 If the Parole Board make a decision to release the individual and the Probation Practitioner is not local to the hospital, then a social worker in the hospital may agree to serve the licence on behalf of the Probation Practitioner who remains responsible for this task.

6.11.15 Where the prisoner is held in hospital awaiting a Parole Review, the Secretary of State's referral to the Parole Board will only ask for a decision on release. The referral in these cases will not request advice from the Parole Board on a move to open conditions.

6.11.16 If the prisoner is held in hospital and receives no direction for release, the hospital can make an application to MHCS for the prisoner to be remitted to prison.

6.11.17 If the prisoner receives no direction for release and is remitted to prison, the option for an open recommendation can be considered and the case can be referred to the Parole Board as a new referral at any point in the parole process. Where PPCS has set the date for the next review, the prisoner or prison can request that the review is brought forwards in line with the requirement at 4.7.14.

Changes in the prisoner's presentation and discretionary referrals

6.11.18 Periods of instability for patients/prisoners who are moving towards discharge/release are not uncommon, therefore there may be a fluctuation in the individual's presentation following a positive MHT discharge decision and referral of their case to the Parole Board. It is therefore recommended that the Probation Practitioner continues to liaise with the Responsible Clinician throughout the parole process.

6.11.19 The Secretary of State can make a discretionary referral to the Tribunal at any time, however, a discretionary referral would only usually be made following an approach from the Responsible Clinician to MHCS confirming why this is now necessary.

6.11.20 However, the decision of the most recent MHT would stand, the individual would remain 'notionally' discharged and the parole review would continue until a further MHT panel is convened and issues another determination under the MHA 1983.

6.12 Parole and Mental Capacity

6.12.1 The Mental Capacity Act (MCA) is designed to allow for the protection and empowerment of people who may lack the mental capacity to make their own decisions, for example, about their care and treatment. In this context, this Framework is concerned with those prisoners who may lack the mental capacity to make their own decisions with regards to their upcoming parole/recall review, including for example, being unable to instruct a legal representative or fully understanding why they may need to do so.

6.12.2 It is the responsibility of the POM/ Probation Practitioner to ensure that PPCS is informed as soon as possible and, ideally, and where applicable, at the very beginning of the parole process. When sending this notification, the POM/Probation Practitioner should include a summary providing details of the concerns and attach any relevant documentation which might assist PPCS in determining whether an application should be made to the Parole Board for a Litigation Friend to be appointed. The POM/ Probation Practitioner can also consider including any relevant information from others known to or working with the Prisoner. In recall cases, this should be flagged as soon as possible after the prisoner is returned to custody. Early identification and notification to PPCS are essential as the assessment of mental capacity can take a considerable length of time.

6.12.3 Mental Capacity and/or related issues are usually determined by way of a Mental Capacity Assessment. These prisoners may also require a Social Care Assessment. Where these assessments are not readily available, there will need to be sufficient

robust evidence by way of other reports and assessments to support the view that the prisoner lacks mental capacity to engage with their parole or recall review prior to making an application to the Parole Board. Simply being concerned there may be mental capacity issues will not be sufficient in the absence of compelling supporting evidence. It should also be noted that prisoners with mental illness or other mental health issues do not necessarily lack mental capacity; this is an important distinction and further information on this is available within Annex A – Mental Capacity Supplementary Reading on EQuiP.

6.12.4 Once PPCS have been informed of the concerns about mental capacity, a review of the case will be undertaken and, where necessary, PPCS will organise a case discussion to review the prisoner's circumstances, and the various actions required. This case discussion will aim to ensure that everyone involved in progressing the case through the parole/recall process is clear on what action is required and by when (typically this will involve the POM and the Probation Practitioner as a minimum, as well as any other relevant stakeholders involved in the care and sentence planning of the prisoner). Where it is decided that a full Mental Capacity Assessment should be provided, such assessments must be completed by a suitably qualified and competent specialist, or social work professional. In the interest of the prisoner's wellbeing and also timeliness, it is important that those responsible for completing assessments do so immediately, rather than await a Parole Board direction.

Identifying a Litigation Friend

6.12.5 Where it is identified that a prisoner lacks capacity to engage in the parole process and make informed decisions (including instructing a legal representative), action will need to be taken to identify a Litigation Friend who can act on the prisoner's behalf and in their best interests. HMPPS staff may be aware of a relative or friend who is able, suitable, and willing to act as a Litigation Friend. If this person is willing, the PPCS Case Manager should be informed as soon as possible so that PPCS can make an application to the Parole Board for the appointment of a Litigation Friend. Further information about Litigation Friends can be accessed via this link.

6.12.6 HMPPS staff will need to provide PPCS with information about the proposed person. This information will be included in the application to the Parole Board in order for the panel to consider the request. Only the Parole Board can confirm the appointment of a Litigation Friend. Once agreed, arrangements can be made for the Litigation Friend to secure a legal representative and to attend the oral hearing, if there is to be one. Where a Litigation Friend is appointed, the prisoner will still need a legal representative to advise on parole matters.

6.12.7 Where all options to identify a Litigation Friend have been exhausted, PPCS can ask the Parole Board to make a referral for the Official Solicitor to be appointed to act as the litigation friend of last resort. Where this step is required, staff should flag the case to the PPCS Case Manager who will liaise directly with the Parole Board, who are responsible for making the application.

The role of the Parole Board

6.12.8 Where required and as noted above, it is for the Board to confirm the appointment of a litigation friend and, where necessary make an application to the Official Solicitor, if all options to identify a Litigation Friend have been exhausted. In addition, it is also for the Parole Board to consider the way in which the review is progressed fairly in order to allow the prisoner to engage to the best of their ability, considering all reasonable

adjustments that may assist. Consideration will be given by the Parole Board to both the timeliness and appropriateness for directing an oral hearing.

6.12.9 Where a Litigation Friend has been identified as part of the application to the Parole Board, and the Parole Board agree the appointment, the Parole Board will provide the appointed Litigation Friend with an information sheet setting out the role of the Litigation Friend, as well as, providing advice on how to appoint a legal representative, and what they will do.

The role of the Official Solicitor

6.12.10 The Official Solicitor helps people who are vulnerable because of their lack of mental capacity to ensure they are able to utilise the services available to them. The Official Solicitor will act on behalf of the person and in their best interests. Where all options to identify a Litigation Friend have been exhausted, the Parole Board can be asked to make a referral for the Official Solicitor to be appointed to act as the Litigation Friend of last resort.

6.12.11 The Official Solicitor will require evidence of the following in order to consider if it would be appropriate to act on behalf of the prisoner:

- That the prisoner concerned lacks capacity to conduct the proceedings;
- That the Official Solicitor is litigation friend of last resort (i.e. all other options have been exhausted);
- That the financial circumstances of the prisoner are established i.e. whether the prisoner is eligible for legal aid or would require private funding.