

Dear all,

As of today, Wednesday 4<sup>th</sup> May, can we please begin progressing those cases highlighted in Green on the attachment. I have highlighted six for each Team. This is admittedly, a slightly **interim** process, as there are further matters to iron out but we do need to progress some cases. In addition, any cases where you are regularly being chased by Legal Representatives can be progressed, but via the following process.

You will need to place specific consideration on which cohort the case falls into and then follow the guidance below prior to progressing.

To be clear, the **Upper Cohort** includes anyone sentenced for the following offences:

- Murder
- Other homicide
- Rape
- Serious sexual assault on a child/causing or allowing the death of a child

The **lower cohort** covers all other offences.

#### **Upper Cohort**

- With **all** upper cohort cases, the proforma must be fully completed by both a Case Manager and the responsible Team Leader.
- The Open Recommendation needs thorough and robust consideration and attention to detail. Please consider the defensibility of your recommendation from a public protection perspective. Remember this is your key priority.
- In addition, the Secretary of State is clear xxx wants to take a more precautionary approach and you should bear this in mind when considering the recommendations. To be clear, you are working to the **current policy**, but with a more precautionary approach.
- Once reviewed by the Team Leader, it needs to be sent direct to **xxxx** who will prepare a summary and provide the evidence to xxx for him to reach a decision. Please cc' your Band 8 when sending over.
- Xxx will then return the decision to you, for you to draft the final decision letter and finalise the process. xxx will set out clearly for you what the decision is and why. The letter will need to be approved by xxx via your Band 8.
- Once the letter is finalised and approved you will need to ensure it is issued imminently.

#### **Lower Cohort**

- With **all** lower cohort cases, the proforma will need to be fully completed by both a Case Manager and the responsible Team Leader.
- The Open Recommendation needs thorough and robust consideration and attention to detail. Please consider the defensibility of your recommendation from a public protection perspective. Remember this is your key priority.
- In addition, the Secretary of State is clear he wants to take a more precautionary approach and you should bear this in mind when considering the recommendations. To be clear, you are however, working to the **current policy**, but with a more precautionary approach.
- Once reviewed by the Team Leader, it needs to be sent direct to the Head of PEC, or in xxx absence, the Head of PPCS who will either take a final decision and/or prepare a summary and provide all of the evidence to xxx for xxx to reach a final decision.

- The decision will then be returned to you, for you to draft the final decision letter and finalise the process. I will set out clearly for you what the decision is and why. The letter will need to be approved by xxx via your Band 8. (Although we are working to agree a process where these can be agreed by the Head of PEC or PPCS).
- Once the letter is finalised and approved you will need to ensure it is issued imminently.

**Please note:**

You will notice the new process to be followed is driven by the offence cohort that the case is within, there is no differentiation between those cases where the report writers agree or disagree. In addition, the above process must be followed regardless of whether you are recommending an acceptance or a rejection. **Please ensure you and your staff are clear that decisions going forward cannot be taken without xxxx's agreement (for upper cohort), regardless of the consensus on report writers views.** This is a significant change for us all.

Please note:

- A new Policy on Open Recommendations will be issued around 9<sup>th</sup> May. It will change the test we apply significantly and we are working on communications for the Teams.
- We do need to discuss with the DPM whether he is content for Senior PPCS Managers to take decisions on lower cohort cases. xxxx will take this forward, but in the meantime, we will proceed as above.
- We need to confirm with xxxx whether xxx is content to allow us to draft and issue our letters without xxxx approval in certain cases. xxxx is taking this forward. However, until we have xxxx agreement, please follow the process as per above.
- A new proforma will be devised ready for the new test going live, but for now please utilise the current one.

We will be required on a monthly basis to report to the DPM all of the recommendations we have considered in upper cohort cases, and the decisions taken. xxxx will lead on this with my input.

**Adverse Developments and Pre-Tariff Sifts**

Please note this guidance refers to Open Recommendations only. Pre-Tariff Sifts and Adverse Developments cannot be progressed without my oversight unless:

- We are refusing a Pre-Tariff Sift.
- Taking a decision for them to remain in closed.

There will be changes in the future to both of these areas too, but how this will look remains to be seen at this stage.

I hope this is clear but happy to answer any questions as they arise, and if need be, arrange a discussion. Thank you also for your patience.

Thanks

xxxx