

# **The Parole Board and parole reviews**

**An information booklet written by  
PRT's Advice and Information Service**

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## **What is the Parole Board?**

The Parole Board is the organisation that undertakes parole reviews. It is a court-like body which is independent from the Ministry of Justice.

Parole Board members make decisions about who can be safely released to serve the rest of their sentence in the community.

The Board makes recommendations to the Secretary of State about suitability for a move to open conditions for Indeterminate Sentenced Prisoners (ISPs).

## **What is a Parole review?**

Parole reviews are held to make decisions about the following:

- deciding whether to release indeterminate sentence prisoners on or after the end of their tariff
- deciding whether to release some categories of determinate-sentenced prisoners
- deciding whether some recalled prisoners should be re-released
- advising the Secretary of State whether some indeterminate-sentenced prisoners are suitable to be in an open prison
- advising on any other matter relating to release or recall that the Secretary of State refers to the Board

If you are looking for information about parole reviews in recall cases please see our separate information sheet about '*Licence conditions and recall*'.

## Do I need to have a parole review for release?

If you are serving an indeterminate sentence your release will be subject to review by the Parole Board after you have served your tariff.

You have an indeterminate sentence if you are serving:

- a life sentence.
- an Imprisonment for Public Protection (IPP) sentence.
- a Detention for Public Protection (DPP) sentence.

If you have one of the following determinate sentences you will have a parole eligibility date (PED). This is the date from which you may be released on licence by the Parole Board before your automatic release date, should the Board decide your risk has reduced to a level that can be managed safely in the community:

- sentences of 4 years or more for a violent or sexual offence, imposed under the Criminal Justice Act 1991. PED is at the halfway point of the custodial term;
- Extended Public Protection (EPP) sentences imposed before 14 July 2008 under the Criminal Justice Act 2003. PED is at the halfway point of the custodial term;
- Extended Determinate Sentence (EDS) prisoners sentenced pursuant to 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 includes all EDS sentences imposed on or after that date. For those sentences imposed before that date only those sentenced to 10 years or more or who were being sentenced for offence under Schedule 15B of the CJA 2003 will attract discretionary release by the Parole Board).
- Sentence for Offenders of Particular Concern (SOPC) under s.236A of the CJA 2003. It applies to offenders sentenced on or after 13 April 2015 who have committed a qualifying offence from the updated 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.
- Standard determinate sentences for a terrorist or terrorism related offence as listed in the Terrorist Offenders (Restriction of Early Release) Act 2020. PED is at the two thirds point of the custodial term.

## The Generic Parole Process – an overview

*The following two pages give a general overview of the stages of a parole review. There is more information about each stage later in this booklet.*

### When will my parole review be?

If you are serving a relevant determinate sentence (see above) your first parole review will start 6 months before your Parole Eligibility Date. If you are not released at that review, a date will be set for a further review unless you are automatically released before then. The time set for your next review will depend on the sentence you are serving and your sentence plan.

If you are serving an indeterminate sentence your first parole review should start 6 months before your tariff expires. This is your on-tariff review. If you are not released at that review, you will have a further post-tariff review at least every 24 months.

If you are serving an indeterminate sentence you will also be subject to a pre-tariff sift which could result in a transfer to an open prison 3 years before your Tariff End Date (TED). There is more information about this on page 9.

### Preparation stage

In the weeks before the parole process starts the following things should happen:

- The Public Protection Casework Section (PPCS) within HMPPS will write to you to let you know that the parole process is about to start and to advise that you should provide the prison OMU with the details of your legal representative, if you have one. This will allow the prison OMU to provide your legal representative with the key dates for your parole review.
- The PPCS compile the core dossier which contains the required reports about your sentence, offending history, progression and any other important and relevant information that is available. There is more information about your parole dossier on page 11.
- The PPCS will request prisons and probation provide up to date reports about your time in prison. They will also highlight outstanding issues from previous reviews if this is a further review.
- The PPCS will disclose the dossier to you and the Parole Board at the same time. They will set out what the Parole Board is being asked to do – this is called the referral and the terms of review.

Some indeterminate sentence prisoners will have a pre-tariff review, which will follow the same process as above, but cannot lead to release.

## **The Parole window**

The Generic Parole Process starts from your referral and goes on until the date of your hearing. During this period:

- Prison and probation reports are completed and added to the dossier which is then disclosed
- You can submit personal or legal representation
- There will be an initial review called a Member Case Assessment (MCA). There is more information about this on page 13. Your case may be decided on the papers at the MCA stage. If the decision is negative you have a further 28 days to request an oral hearing, if you believe you should have one.
- If your case is directed to an oral hearing, at MCA stage or following a request for an oral hearing, witnesses will be contacted and your oral hearing date arranged.

There is a detailed description of the Generic Parole Process, including what should have happened by when, in section 3.6 (p.15-21) of the *Generic Parole Process Policy Framework*.

It is important to be aware that the Generic Parole Process is a policy of the Secretary of State and the Parole Board are not legally bound to conclude a review to any particular time limit.

## **The decision**

The Parole Board must let the prison, your community offender manager and your legal representative know its decision within 14 days of the MCA, or the end of the oral hearing if there is one. The prison must provide you with a copy within one day of receiving it.

## Can I get help with my parole review?

### Legal representatives

You are strongly advised to ask a legal representative to help you with your parole review.

Ask prison staff for details of legal representatives for you to contact.

You can also find information about legal representatives in Inside Time newspaper or by calling Prison Reform Trust's Advice and Information Service (see final page of this booklet for details).

If you cannot pay for legal advice you may be eligible for legal aid. This means you will get legal representation for free. A legal representative will be able to check this for you and make the necessary application on your behalf.

### Other representatives

If you cannot get a legal representative for any reason, you could also ask a friend or someone else to be your 'representative'.

This person cannot be someone in prison, on licence or with an unspent offence. They cannot be someone who is being held under the Mental Health Act.

You may find the following guides useful,

- Easy Read guide to help prisoners with their parole review
- Easy Read guide to help prisoners prepare for their oral hearing
- The Parole Board booklet "*Getting ready for a parole review without a lawyer - What you need to know*"

If you would like us to send you a copy of any of these, please contact our service using the contact details at the end of this booklet.



## Pre-tariff sift and pre-tariff review

*This section applies to indeterminate sentences only.*

### The pre-tariff sift

A pre-tariff sift is a decision made by the Public Protection Casework Section (PPCS) following a Sentence Planning Review Meeting (SPRM). The decision is about whether to refer your case to the Parole Board for a pre-tariff review. For PPCS to refer your case there must be a reasonable prospect of the Parole Board making a positive recommendation that you progress to open conditions.

The SPRM should take place 2 months before a pre-tariff review would be expected to begin. You should be told of the date of the pre-tariff sift in advance so you can prepare. You should also be given copies of reports that will be considered.

During the SPRM, staff will look at evidence which suggests that there is a reasonable chance of a positive decision being made by the Parole Board if you are referred for a pre-tariff review. The SPRM report is then sent to the PPCS for consideration.

If PPCS consider that your case has a reasonable prospect of the Parole Board making a positive recommendation, they will then refer to the Parole Board for a pre-tariff review to consider a transfer to open conditions. You should be aware that very few cases are referred to the Parole Board.

If it is decided that there is no reasonable prospect that the Parole Board would make a positive decision, then your case will not be referred for a pre-tariff review. Clear reasons for this decision should be recorded.

Some factors may mean that your case is presumed unsuitable for referral to the Parole Board. The *Generic Parole Process Policy Framework (at 5.4.6)* lists the following:

- Exclusion from open criteria is met (see constraint paragraph 4.6.1)
- Category A status;
- OASys assessment of high/very high risk of harm;
- A proven adjudication for serious violence within the last 12 months

However, if there are exceptional circumstances a referral could still be made.

PPCS will send you a copy of the decision in writing within 10 working days of receiving the SPRM record. If you do not agree with the decision, you can make a complaint using the internal complaints procedure.

## **The pre-tariff review**

A pre-tariff review is a review by the Parole Board about whether to recommend you for transfer to open conditions. It only takes place in cases which have been referred to the Parole Board following a pre-tariff sift.

A pre-tariff review should start 3 years before your tariff expiry date. It generally follows the generic parole process as described above on pages 6-7.

The Parole Board can only advise about your suitability for open conditions. The final decision will be made by the PPCS, acting on behalf of the Secretary of State.

Prisoners' Advice Service have produced a detailed *Self Help Toolkit: The Pre-Tariff Review Process* which includes information about how you can prepare for your sift and review.

## **Your parole dossier**

### **What information is considered/ my dossier?**

The following information will be included in your dossier for the Parole Board to consider:

- Reports written by prison and probation staff
- Reports by other staff such as a psychologist or chaplain
- Reports from courses or interventions you have undertaken
- Information about your current and previous offences
- Judges sentencing remarks or comments
- Healthcare reports, if needed
- Prison security or intelligence reports may be included
- There may be a statement from the victim or their family
- Any representations you have included.

### **How do I make representations?**

You can send written information to the Parole Board to go in your dossier. These are called 'representations'.

You should ask your legal representative for help with your written representations. If you cannot get a legal representative, you can ask someone else you know to help you.

Representations should be submitted directly to the Parole Board. This should be done within 4 weeks from the date the dossier is referred to the Parole Board by PPCS.

In your representations you should include:

- Why you think you are ready to be released or moved to open conditions.
- Why you think you are less of a risk to the public.
- The good things you have done in prison, such as education, offending behaviour courses or responsible jobs you have done.
- What you think about the information in your dossier, including if you think something is wrong or if information is missing.
- Whether you think your case should have an oral hearing.
- If there are witnesses who you want to attend and give information about you.

## **What to do if something in my dossier is incorrect?**

If something is wrong in your dossier, you can let the Parole Board know in your representations (see above).

You could speak to your Prison Offender Manager (POM) about this. You could also consider using the internal complaints process if needed.

The prison should try to check the information you are concerned about. If the information is proved to be incorrect, then they should change or delete it. If there is a fact, or opinion in your file you disagree with they should make a note on your record that you do not agree with the information.

There is more information about challenging inaccurate records and how to get a copy of your record in the Prisoners' Advice Service's information sheet '*Data Protection Act*'.

## **Non-disclosure**

In exceptional circumstances, information may not be shared with you as part of your dossier. This is called non-disclosure.

This is because it considered to be in the interests of one or more of the following:

- a) National security
- b) The prevention of crime and disorder
- c) The health or welfare of yourself or any other person

There is more information about non-disclosure in PSI 15/2016 *Handling Of Sensitive Information, Including Information Provided By Victims, For The Purpose Of Parole Board Reviews*.

## **Member Case Assessment (also called ‘on the papers’)**

The first stage of a parole review is called a Member Case Assessment (MCA). This is when a Parole Board member reads your dossier to see if there is enough information to make a decision. This is sometimes called making a decision ‘on the papers’.

This is usually done by one Parole Board member but it can sometimes be a multi-member MCA panel.

At this stage they can:

- Direct your release on the papers
- Make a negative decision, which means they decide not to release you at this time
- Recommend a transfer to open conditions in some cases, if you are eligible
- Decline to recommend that you are transferred to open conditions
- Decide that an oral hearing is needed to hear from you in person or from other witnesses

You will receive a written letter about what decision has been made at this stage.

If you are given a negative decision, it is only provisional and you have 28 days from the date the decision was issued to ask for an oral hearing. You or your solicitor can do this by writing to the Parole Board.

If you do not ask for an oral hearing within 28 days, and if you are serving a qualifying sentence, there are a further 21 days during which the decision remains provisional to allow prisoners or PPCS on behalf of the Secretary of State to submit an application to the Parole Board to have the decision reconsidered. There is more information about the reconsideration mechanism on page 18.

Following this, if no oral hearing or reconsideration (if you are eligible) has been requested, the decision becomes final. You will stay in prison until you are eligible for a further parole review or released automatically under the conditions of your sentence where applicable.

## **Oral hearing**

### **Arranging the oral hearing**

When it is decided that an oral hearing is needed, the Parole Board will find a date that everyone can attend. The Parole Board list hearings three months in advance. For example, in January they plan and list hearings for April.

### **What happens during an oral hearing?**

The Parole Board will allocate a panel of members to hear your case. Sometimes panels are only one Parole Board member, but there can also be a panel of between two to four members doing it. One member will be in charge and is called the 'chair'.

For some cases, a specialist member is needed. This could be a psychologist or psychiatrist.

If the hearing takes place in the prison, it will take place in a private room.

When the panel do not come to the prison, they will conduct the hearing using a video link or telephone. This is referred to as a remote hearing. This means witnesses at the prison will see the panel on a TV screen or listen to them over a telephone. Other witnesses may also ask to join in using a video or telephone link.

During the hearing, the panel members will ask you questions about the things you have done to address your offending behaviour whilst you have been in prison and what your plans would be if you are released.

The panel will also speak to other people about your case. These people are called witnesses. They are people who know you and have something to say about your circumstances. This is to get more information and evidence to make their decision.

Panel members will take notes about things that you and other witnesses say. Oral hearings will be recorded with a microphone.

### **Who else can attend an oral hearing?**

There may also be people who are observing the oral hearing. You can ask for someone to observe your oral hearing, such as a member of your family or friend if that will be helpful for you. Other people may also ask to attend as observers, but you will be notified of this and can give your views to the panel. The panel "chair" will make the final decision about the attendance of an observer.

Sometimes the victim of the crime or a member of their family will attend. They can only read out a previously prepared message called a Victim Personal Statement (VPS). They cannot ask questions or participate in your hearing and will usually leave once they have read out their statement.

You can decide before the hearing if you want to stay in the room during this part of the hearing. The victim can also say what their preference is about you staying or not and the “chair” will make the final decision about this. Quite often the victim will read out their statement via a video link or over the telephone and will not come to the prison. In some cases, the VPS will be read out by someone else on behalf of the victim.

## Adjournments and Deferrals

Panels can decide to adjourn or defer completion of a case if it is necessary to do so. This will likely result in some delay to your parole review.

To adjourn means to postpone completion of the review to a specified future date with the same panel retaining responsibility; the panel will have reviewed the parole papers or taken some evidence at an oral hearing.

To defer means to postpone completion of the case to a fresh panel at a future date. The panel will have not started reviewing the case.

When deciding whether an adjournment or deferral is necessary, panels will consider:

- whether additional information is required to make a balanced risk assessment and/or provide a fair hearing and whether this information will be available within a specified timescale; and
- whether the information is likely to materially affect a decision about the necessity of an oral hearing or is otherwise liable at any stage to influence the eventual parole outcome.

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

There are three stages at which an adjournment or deferral may be necessary:

- At the MCA paper panel stage, after the parole review has begun but before a decision has been made to either conclude on the papers or direct it to an oral hearing.
- At pre-oral hearing stage - after the case has been listed, when the case has been allocated to an oral hearing panel.
- On the day of the oral hearing.

Adjournments and deferrals should not usually exceed four months from the date of the panel unless there are exceptional circumstances. Where a case is adjourned or deferred for more than four months, a reason must be given setting out the exceptional circumstances.

You might wish to ask the panel to defer or adjourn your case if there is something important that you need to complete or provide to help your case. The panel will consider your request as mentioned above.

There is more information about this in the Parole Board *Adjournments and deferrals guidance* July 2020



## What are decisions based on?

This is the release test that the Parole Board must follow when making decisions:

*'The Parole Board must not give a direction for release unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined'*

To make this decision, they will be looking for evidence of how you have changed from the time the offence was committed to now, such as:

- What was the situation that led to your offending?
- Have you learnt from what happened?
- Have you addressed any issues that may have contributed? (i.e. drugs and alcohol dependency)
- How would you act differently?
- Have you done any programmes?
- What has your behaviour been like in custody?

They will also be looking the risk management plan for your release. They will look at things like:

- How will you cope?
- Where will you live?
- What support from family do you have?
- Will you have a job?
- What is your relationship like with your community offender manager?
- Will you be honest and open?
- What licence conditions are being proposed to manage your risk in the community?

In order to explain this more easily, the Parole Board has produced a *Decision-making Framework*. You can ask someone in the prison to give you a copy or contact our Advice and Information Service using the information at the back of this document.

### **The decision**

The Parole Board must let the prison, PPCS, your community offender manager and your legal representative know their decision within 14 days of the end of the oral hearing. The prison should give you a copy of the decision within one day of receipt.

When the parole review is finished, anyone can ask for a summary of your parole decision. This includes victims and journalists. These summaries are called 'summary decision letters' or 'PBDS'.

## **Reconsideration of Parole Board Decisions**

Where the Parole Board makes a decision regarding release, in some cases the decision will remain provisional for 21 calendar days from the date of issue to allow prisoners or PPCS on behalf of the Secretary of State to submit an application to the Parole Board to have the decision reconsidered. Otherwise the decision will be final.

### **Reasons for reconsideration**

You can ask for a parole decision to be looked at again by the Parole Board if you have reasons to show the decision is either:

- Procedurally unfair - the correct and fair process was not followed in the review of the offender for parole - for example, important evidence was not shared
- Irrational - the decision makes no sense based on the evidence of risk that was considered and that no other rational panel could come to the same conclusion.

### **Types of prison sentence this applies to**

The reconsideration mechanism applies to prisoners serving:

- indeterminate sentences (Life or IPP)
- extended sentences
- certain determinate sentences where the initial release is at the discretion of the Parole Board (Discretionary Conditional Release (DCR) cases and Sentences for Offenders of Particular Concern (SOPC))
- Sentences to which the Terrorist Offenders (Restriction of Early Release) Act 2020 applies

It will also apply to recalled prisoners serving these sentences.

### **Who can apply for reconsideration?**

Only the prisoner or the Secretary of State can apply to the Parole Board for reconsideration.

However, a victim or member of the public can also make a case to the Secretary of State to ask for a decision to be reconsidered, if there is a serious concern about the decision. PPCS, on behalf of the Secretary of State, will decide whether to submit an application to the Parole Board.

An application for reconsideration must be received within 21 calendar days of the initial decision being issued. The initial decision will be made final if there have not been any applications within 21 calendar days.

You may be able to request an extension of the application window. If you do not have legal representation and want to make a request, prisons must ensure that the extension request is emailed to [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk) within one working day of receipt. Late applications are unable to be accepted and so it is important your application is submitted promptly, and within the 21 calendar days.

You may also be able to request a reduction of the reconsideration window if there is an exceptional reason for your release before the end of 21 days. Such requests will only be granted in exceptional circumstances.

The Secretary of State can also make requests to extend or reduce the application window. You will be notified if this happens.

### **How prisoners can apply**

You can apply for a decision to be reconsidered yourself, or through your legal representative.

If you do not have legal representation and wish to submit an application for the decision to be reconsidered by the Parole Board, prisons must ensure that the application is emailed to [Reconsideration@paroleboard.gov.uk](mailto:Reconsideration@paroleboard.gov.uk) within one working day of receipt.

### **The reconsideration decision**

The Parole Board will decide if the decision should be reconsidered. This generally takes a further 21 to 28 days.

If it meets the criteria for reconsideration, the case will be sent for another parole review, which will be arranged as a priority.

All reconsideration decisions are given in writing, and are published online at [baili.org](http://baili.org)

## **What happens if the Parole Board directs release?**

If the Parole Board has directed release, and the decision becomes final (i.e. if you are not eligible to apply for reconsideration, or if you are eligible and no reconsideration request is made within 21 days as per the reconsideration mechanism above), the PPCS must then arrange a release date with the prison and probation in accordance with your release plan.

If the decision has been made before your Tariff Expiry Date (TED) or Parole Eligibility Date (PED) then release must take place on an agreed date as soon as practicable after this date.

If the TED/PED falls on a weekend or bank holiday, then the release must be arranged for the working day before.

If the release decision has been issued after the TED/PED, then arrangements must be made once licence and associated documents have been prepared.

If your release plan includes residence in Approved Premises, then PPCS must be satisfied that a bed space is available before release.

PPCS are responsible for preparing and issuing the licence and associated documents. The prison must provide you with a copy of your licence and associated documents on the day of release.

## Can I contact the Parole Board?

You can contact the Parole Board to:

- get an update on your review;
- provide representations;
- give written permission for a family member or friend to discuss the case or to represent you; and
- ask for a family member or friend to attend the oral hearing to support you as an observer.

Write to:

The Parole Board for England and Wales  
Floor 3  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU  
United Kingdom

Email: [info@paroleboard.gov.uk](mailto:info@paroleboard.gov.uk)

Phone: 020 3880 0885

## Can I make a complaint to the Parole Board?

You can complain to the Parole Board if you feel that someone behaved unprofessionally or inappropriately. You can also complain about poor service which may include concerns about delay, discourtesy or other failings.

However, the Parole Board cannot accept complaints about the decision itself. You can also ask a legal representative for advice about this.

Send your complaint to:

The Complaints Officer  
The Parole Board for England and Wales  
Floor 3  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU  
United Kingdom

Email: [complaints@paroleboard.gov.uk](mailto:complaints@paroleboard.gov.uk)

You could consider making an application for your case to be reconsidered if you are serving an eligible sentence and you believe your complaint meets one of the criteria mentioned above – see page 18 for more information.

You could also consider requesting that a Judge in Court looks at your decision by asking for a Judicial Review of your decision. There is more information in Prisoners' Advice Service Information sheet about *Judicial Review* – please contact our service using the details at the end of this booklet if you would like us to send you a copy of this.

You should speak to a legal representative for advice on all of the above.

## Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful PSIs and PSOs (these should be available in the library):

PSI 15/2016 *Handling Of Sensitive Information, Including Information Provided By Victims, For The Purpose Of Parole Board Reviews.*  
*Generic Parole Process Policy Framework*

### Other

Prisoners' Advice Service Self Help Toolkit: *The Pre-Tariff Review Process*

Prisoners' Advice Service Information sheet: *Judicial Review*

Easy Read guide to help prisoners with their parole review

Easy Read guide to help prisoners prepare for their oral hearing

The Parole Board booklet: *Getting ready for a parole review without a lawyer - What you need to know*

The Parole Board booklet: *Information for family and friends of prisoners having a parole review*

The Parole Board: Decision-making Framework

The Parole Board: information for victims of crime

The Parole Board: Adjournments and deferrals guidance July 2020

Non-disclosure guidance for Parole Board members

The guides above are available from the online at

[www.gov.uk/government/organisations/parole-board](http://www.gov.uk/government/organisations/parole-board)

### **Contact our Advice and Information Service**

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust  
FREEPOST ND 6125  
London  
EC1B 1PN**

You do not need to use a stamp.