The Parole Board and parole reviews

Who are the Parole Board?
The Parole Board is the organisation that complete parole reviews. They are a court-like authority independent from the Ministry of Justice.

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

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 can move to an open prison
- advising on any release or recall that the Secretary of State refers to the Board

If you are looking for information about parole reviews of recall decisions, please see our separate information sheet about 'Licence conditions and recall'.

Do I need to have a parole review for release?
If you have an indeterminate sentence – a life sentence or Indeterminate sentence for Public Protection (IPP) – your release will be subject to review by the Parole Board after you have served your tariff.

If you have one of the following determinate sentences you will also have a parole eligibility date (PED). This is the date from which you may be released on licence by the Parole Board before their automatic release date:

- 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) sentences for prisoners convicted on or after 3 December 2012 where the custodial term is 10 years or more, or the prisoner has committed an offence listed in Schedule 15B CJA 2003. PED is at the two-thirds point of the custodial term.
Overview of the stages of parole review

If you have an indeterminate sentence the parole process should start 6 months before your tariff expires. If you have a relevant determinate sentence (see above) the parole process will start 6 months before your Parole Eligibility Date.

During this time a number of things should happen:

Preparation stage

In the 6 weeks before the process starts the following things should happen:

- the Public Protection Casework Section complete the core dossier
- They should write to you to let you know that the parole process is about to start and about your right to legal representation
- They remind prisons of outstanding issues at previous hearings and what needs to be in new reports
- If the relevant, the pre-tariff sift should take place during this period (see below for more information)

26 week period (also known as Parole window)

The Generic Parole Process is a 26 week period from week 0 up until the date of your hearing. During this period:

- The Parole Board will write to you
- Prison reports are completed and disclosed
- You can submit personal or legal representation
- There will be an initial review called a Member Case Assessment.
- Witnesses will be contacted and your hearing arranged

The Hearing

If you case goes to a hearing, this should happen during the calendar month on which the 26 weeks falls.

Outcome

The Parole Board must let the prison, your offender manager and your legal representative know their decision within two weeks of the oral hearing.

If the decision has been made to release you, the Public Protection Casework Section will confirm the licence conditions within 4 weeks of the oral hearing. If you are not being released, the Public Protection Casework Section will confirm the date of your next review.
Can I get help with my parole review?

**Legal representatives**

You can 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 able to apply for legal aid. This means you will get legal representation for free.

Unfortunately, not all types of parole review are covered by legal aid. For legal aid to cover it, it must be possible that your release on licence is a possible outcome of the review.

**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.
Pre-tariff sift and pre-tariff review

This section applies to indeterminate sentences only.

A pre-tariff sift is a decision made during a Sentence Planning Review Meeting (SPRM). The decision is about whether to refer your case to the Parole Board for a pre-tariff review.

A pre-tariff review is a decision made by the Parole Board about whether you can be transferred to open conditions.

When do the Pre-tariff sift and pre-tariff review take place?

A Pre-tariff review should start 3 years before your tariff expiry date.

A pre-tariff sift should take place 2 months before the pre-tariff review would be expected to take place (i.e. 3 year and 2 months before your tariff expiry date).

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.

The pre-tariff sift

At the pre-tariff sift they will look at evidence which suggests that there is a reasonable chance of a positive decision if you are referred for a pre-tariff review.

If you are considered suitable your case will be referred to the Parole Board for a pre-tariff review to consider a transfer to open conditions.

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 circumstances may mean that you are presumed unsuitable – such as being a category A prisoners, being considered high or very high risk of harm, or having had a proven adjudication in the last 12 months for serious violence. However, if there are exceptional circumstances a referral could still be made.

You should receive a copy of the decision in writing within 14 days of the SPRM. If you do not agree with the decision, you can make a complaint using the internal complaints procedure.

The pre-tariff review

The pre-tariff review follows the 26 week generic parole process as described above.

Prisoners’ Advice Service have also 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 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
- Information about you current and previous offences
- Judges sentencing remarks or comments
- Healthcare reports, if needed
- 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 call '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.

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
- The good things you have done in prison, such as education, offender 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 should also let the prison know. You can do this using an internal complaints form. They should try to check this. If the fact 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 Prisoners’ Advice Service’s information sheet ‘Data Protection Act’.
Member Case Assessment (aka ‘on the papers’)

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

At this stage they can:

- Decide that an oral hearing is needed to hear from you in person
- 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 on an IPP, determinate or extended sentence, they can release you based on the information on the papers

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

If you are given a negative decision, you have 28 days from the date of the decision 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, the decision becomes final and you will stay in prison until you are eligible for a further parole review or released automatically under the conditions of your sentence.
Oral hearing

Arranging the oral hearing

When it is decided that an oral hearing will take place, the Parole Board then finds 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?

Sometimes parole hearings are done by one person, but there can also be a panel of two or three people doing it. One person will be in charge and is called the ‘chair’.

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

The hearing will usually take place in a private room in the prison.

Sometimes the panel will be based at the Parole Hub in London and will conduct the hearing using a video link. This means witnesses at the prison will see the panel on a TV screen. 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. This is to get more information and evidence to make their decision.

Sometimes the victim of the crime or a member of their family will attend. They may speak to the panel about what happened and what impact it had on them. You can decide before the hearing if you want to stay in the room during this part of the hearing. The victim or family member do not stay for the rest of the hearing.

Panel member may take notes about things that you and other witnesses say. Oral hearings might also be recorded with a microphone.
Oral Hearing timeline

- **Eight weeks before the date of oral hearing**
  - The Parole Board sends details of availability to the Listings Team to set a date for the oral hearing.

- **Six to three weeks before the date of the oral hearing hearing date**
  - When the date for the oral hearing is set, the Parole Board send a letter (called the oral hearing notification & timetable) to everyone concerned to confirm the date of the hearing.

- **Two weeks after oral hearing**
  - The chair of the panel will review the dossier and give extra directions if necessary.

- **Four weeks after oral hearing**
  - Everyone attends the oral hearing. A written decision will be issued within 2 weeks of the hearing date.

- **Eight weeks after oral hearing**
  - If the prisoner is being released, the Public Protection Casework Section will confirm the licence conditions. If the prisoner is not being released, the Public Protection Casework Section will confirm the date of the next review.
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 probation officer?
- Will you be honest and open?

The decision

The Parole Board must let the prison, your offender manager and your legal representative know their decision within two weeks of the oral hearing.
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.

Write to:

The Parole Board for England and Wales
52 Queen Anne’s Gate
London
SW1H 9AG

Email:

info@paroleboard.gsi.gov.uk

Phone:

020 3334 4402

Can I complain?

If you think something about your parole process was not handled fairly you can complain. You can also ask a legal representative for advice about this.

Send your complaint to:

    The Complaints Officer
    Parole Board for England and Wales
    52 Queen Anne’s Gate
    London
    SW1H 9AJ

The Parole Board cannot investigate complaints about parole decisions or the contents of decision letters. These decisions are final. There is no appeal process within the Parole Board.

If you think a decision was unfair or unlawful and you want to challenge this, you should speak to your legal representative.
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 22/2015 Generic Parole Process for Indeterminate and Determinate Sentenced Prisoners

Other
Easy Read guide to help prisoners with their parole review
Easy Read guide to help prisoners prepare for their oral hearing
Parole Board guidance for practitioners
Parole Board information for victims of crime

The guides above are available from the website at www.gov.uk/government/organisations/parole-board

Contact our Advice and Information Service

We are a small service and we are independent of the prison service.

We can give you information on prison rules, life in prison and how to get help in prison.

Our freephone information line is 0808 802 0060. This number is for prisoners only. This number is free and you do not need to put it on your PIN.

This number is open:
- Monday and Thursday afternoon from 3.30pm to 5.30pm.
- Wednesday morning from 10.30am to 12.30pm.

At other times, you can call on 0207 251 5070. This number is open from Monday to Friday 10.00am - 5.30pm. This number is not free but you do not need to put it on your PIN.

You can also write to us at:

Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN