

## Parole Board Listing Framework

### **Listing tool for prioritisation of oral hearings – revised version updated November 2009**

**The listing prioritisation framework was originally introduced in April 2009 to set out how the Board prioritises cases for listing each month in the context of a listing backlog.**

**The revised framework provides some further clarification regarding how cases are prioritised beyond the due date.**

The Parole Board will initially prioritise cases **according to the date the review was due**. For a definition of this date for each type of case, please refer to the list below. Please note that the initial prioritisation by date is **for all types of cases** (for example a lifer pre-tariff advice case with a due date of December 2009 will take priority over a lifer post-tariff review due January 2010). It is only after the initial prioritisation by due date is completed and there is a choice between 2 cases and one available listing that the *type* of case will have a bearing on whether or not a case achieves a hearing date that month.

### **Definition of “due dates” by case type:**

#### **Recalls**

The “due date” of a recall case is fixed as “ASAP”. Recall cases will not in reality be subject to a specific review date or a target date. By their nature, the target is for the earliest available hearing. Therefore, all recall cases ready for listing should receive an oral hearing date at the first listing exercise for which they are submitted unless witness availability or other logistical problems mean it is impossible.

Where it is impossible to list all recall case in a particular listing exercise and it becomes necessary to further prioritise within a group of recall cases (for example when there are more recall cases ready for listing at a particular prison/region of the country than the Board can accommodate for that particular month) the Board will take into account the date of the referral in the case of lifers and IPP; and in the case of extended or determinate sentenced prisoners, the date of referral from a paper panel, or the date of receipt for a request for oral hearing.

### **First review at tariff expiry (lifers/IPPs)**



The due date is the date of tariff expiry. (NB: It is recognised that the Generic Parole Process is designed so that such reviews take place around 2 months prior to the tariff expiry date. This framework does not change that intention.)

### **Extended sentence annual reviews after recall**

The due date will be the date the paper panel referred the matter to an oral hearing, or the date the successful request for an oral hearing was made. (Note: Extended sentence annual reviews after recall are not the same as a first review after recall where continued detention has yet to be reviewed by the Board.)

### **Further reviews after tariff expiry (lifers/IPPs)**

The due date will be the date set by the Secretary of State for Justice upon referral to the Board. (This category also includes lifer/IPP prisoners undergoing a second or subsequent review following recall.)

### **Advice Cases (lifers/IPPs)**

The due date will be the date of the referral to the Board (i.e. date of receipt of dossier). This category covers both pre-tariff and post-tariff matters which the Secretary of State has referred to the Board for advice under Section 239 Crime (Sentences) Act 1997.

### **Determinate or extended sentence prisoners applying for early release**

The due date will be the date the paper panel referred the matter to an oral hearing. (This category only relates to prisoners applying for early release at their Parole Eligibility Date. It does not include recall reviews.)

### **Combined reviews**

Due to the listing backlog there are a number of lifer and IPP pre- and post-tariff advice cases (i.e. cases referred to the Board under S239) which have not yet been listed by the time the next S28 referral is made. These cases are being combined (rather than having a review for advice on move to open followed by a separate review with power to consider release). In order to recognise the delay in possible progression already experienced by these prisoners, any combined review will be prioritised according to the original due date of the advice case. Where listing decisions must be made between 2 cases with the same due date, priority will be accorded to combined reviews with reference to the stage the case is at (eg. a pre tariff review combined with a first review at tariff expiry will carry the due date of the pre tariff review and if necessary to prioritise beyond the due date as a priority 1 in the list below.)

### **Prioritisation beyond due date**

Where there is more than one case with the same due date, but insufficient panels available at that prison/region to cover all cases with that same due date, such cases will be listed in the following priority

1. First review at tariff expiry (lifers/IPPs)
2. ESP annual reviews after recall
3. Further reviews after tariff expiry (lifers/IPPs)
4. Advice cases (lifers/IPPs)
5. Determinate or extended sentence prisoners applying for early release on parole (non recall cases)

Prioritisation can be further refined within each category, by the length of delay and number of occasions it has been deferred.

Once the initial list is produced (i.e. going by date order), where there is only one case listed a particular day at a particular prison, other newer cases will be slotted in accordingly using the same order of priority according to the type of case.

### **Exceptional circumstances**

This framework is flexible. In particular, where exceptional circumstances are put forward by the prisoner for higher prioritisation (including but not limited to medical/mental health issues, compassionate reasons etc) the case must be put before the duty ICM member for assessment. The member may direct that a case has a higher priority than would normally be indicated by the list above and/or its current due date and should accordingly receive precedence.

In general terms, positive recommendations for release or a progressive move will not, by definition constitute exceptional circumstances as there will be many such prisoners in a similar position. Requests for prioritisation solely on the grounds of positive report recommendations will be refused.

It should also be noted that some exceptions will be identified on referral by the Secretary of State or by the ICM member at assessment. An example of such a case would be a prisoner currently held at a Mental Health Unit who has been discharged by a Mental Health Tribunal. Such a case would carry an "ASAP" due date as a matter of course and take appropriate priority for listing.