

Executive release and determinate recalls – A joint approach

The Secretary of State is required to refer to the Parole Board the cases of all recalled determinate sentenced prisoners, who remain detained beyond day 28 of their return to custody.

The Parole Board will then progress those reviews to ensure they are considered by the Parole Board members either at the Paper review stage-Member Case Assessment, or at Oral Hearing.

The Public Protection Casework Section (PPCS), on behalf of the Secretary of State, has the power to consider and make a decision about a recalled prisoner's re-release – Executive Release; whether there is an active referral to the Parole Board or not.

Both the Parole Board and PPCS have been looking at how to support both the parole review and executive release process, in a way which avoids a duplication of work and minimises delay in either process.

PPCS and the Parole Board have now agreed two separate approaches, which were introduced from the 1st October 2020:

1. Determinate Recalls that are adjourned or deferred at MCA or waiting to be listed.

Where a case is not listed for an oral hearing, PPCS have given an undertaking to use their best efforts to consider any executive release consideration within 3 weeks of notifying the Parole Board. When three weeks have passed, in any case where the Parole Board have not been notified of the outcome of the executive release consideration the Parole Board will inform PPCS that they intend to progress the board's recall review.

2. Determinate Recall cases which are listed for an Oral Hearing.

Where a review has been listed for an oral hearing, PPCS and the Parole Board have agreed that PPCS would only consider a case for Executive Release if they are able to finalise the decision at least three weeks before the Oral Hearing date. If they are not able to complete this within that timescale the prisoner's review would continue to the scheduled oral hearing.

The Board and PPCS have been able to agree this approach because members are directing reports at the paper review stage to a specific date, leading to the details of the risk management plan being available much sooner than has previously been the case.

There are benefits for all parties in this approach including;-

- The prisoners review will progress without delay;

- There will be less duplication of work for both organisations;
- Early notification of executive release will allow the Parole Board to utilise the vacated hearing slot.
- The Parole Board members will not be preparing for hearings, which are cancelled at short notice – thus directing their focus to cases that will be heard and reducing the cost to the public purse.

There may be cases which under exceptional circumstances do not follow this process, but it is expected that these will be a small number.