



Changes to the new test for open conditions

On 6th June 2022, the new test for open conditions was launched which states that:

The Secretary of State (or an official with delegated responsibility) will accept a recommendation from the Parole Board (approve an ISP for open conditions) only where:

- ***the prisoner is assessed as low risk of abscond; and***
- ***a period in open conditions is considered essential to inform future decisions about release and to prepare for possible release on licence into the community; and***
- ***a transfer to open conditions would not undermine public confidence in the criminal justice system.***

The Public Protection Group has continued to work with key stakeholders throughout the roll out of the new test for open conditions. We have taken into consideration feedback and, following further discussions with the Secretary of State, it has been agreed that there should be a small amendment to how both Probation Practitioners and the Parole Board should apply the new test.

With immediate effect, Probation Practitioners are required to assess only the first two aspects of the new open test criteria. Practitioners are no longer required to assess the final element of the criteria, namely whether a move to open conditions would undermine public confidence in the criminal justice system. This has already been agreed for psychology report writers. The third element of the new test for open conditions will now be a matter solely for the Secretary of State or his delegated authority.

This change should be implemented with immediate effect by all HMPPS staff. Reports already submitted will not need to be retrospectively amended.

The Generic Parole Process Policy Framework has been revised and is due for re-publication shortly.

Introduction of the Single Secretary of State View

Ministers are introducing a change to how recommendations for release and open conditions are provided to the Parole Board by the Secretary of State and HMPPS Report Writers. This will be called the Single Secretary of State View. **This change will be effective from 21st July 2022.**

From 21st July 2022, in all cases, including all recall cases, the report writer must not present a view or recommendation as to the prisoner's suitability for release or move to open prison conditions.

HMPPS Report writers should prepare and write their reports in the normal way. Reports from HMPPS (COMs, POMs and, where relevant, psychologists) will still provide a formal risk assessment, based on professional judgement, but they will no longer contain the report author's final recommendation about the prisoner's suitability for release or open conditions.

It is important for the report author to assist the Secretary of State in obtaining the factual information and, whilst they are no longer required to include a recommendation, their professional assessment in these cases remains essential for the purpose of determining the overall risk of the individual and of informing the decisions to be made by the Parole Board and the Secretary of State.

In the most serious or high-profile cases, the **Secretary of State may choose to provide the Parole Board with a single Secretary of State view which takes account of all the evidence**. The Public Protection Group will agree with the Deputy Prime Minister which cases meet the criteria for a Secretary of State view, which are:

- The nature and characteristics of the offending are particularly severe and risks damaging public confidence if the prisoner were to be released (e.g., where the victim(s) was a child or vulnerable; or cases with a sadistic or predatory motivation);
- Cases involving multiple victims or where there is a history of serious offending, indicating a pattern or escalation of such offences;
- Where the gravity of the offending behaviour indicates that, if further such offences were to be committed, the level of harm to the public would be particularly grave; and
- Where a case raises issues in relation to victims' confidence more broadly in the parole system.

Where a single Secretary of State view is provided, the Secretary of State will be represented at the hearing by either a Secretary of State Representative from the Public Protection Casework Section (PPCS) or by Counsel. In such cases, PPCS will work very closely with the report writers, who will very likely continue to appear as witnesses at the oral hearing.

We understand that this is a significant change and practitioners may have concerns about how these changes will impact oral hearings and the questions that are asked by Parole Board panel members. As part of the launch of this change, the Public Protection Group is leading work to ensure that guidance for practitioners is available in readiness for the launch on 21st July 2022, supported by the Effective Practice & Service Improvement Group (EPSIG), Offender Management in Custody (OMiC) Team and Psychology Services Group (PSG)

Policy queries should be directed to ParoleRecallPolicy.CPP@justice.gov.uk