



New Guidance relating to Psychology Risk Assessments (oral and written opinions) written on behalf of HMPPS from 3rd April 2023.

For Action

New Guidance

This guidance supplements the new “Guidance on giving an opinion” issued on 3rd April 2023 following the High Court judgment in Bailey and Morris v Secretary of State for Justice, and in response to changes to the Parole Board Rules 2019 which came into force on 3rd April 2023. **All guidance previously issued (and any instructions given) prior to the High Court judgment has been revoked, having been found to be unlawful.** The changes make provision for Psychologists writing Parole Board reports on behalf of HMPPS where they are permitted (but not required) to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community, or moved to open prison conditions, if they feel able to give such an opinion. Any professional opinion which the report writer gives the Parole Board should be made by reference to the report writer’s area of competence, as well as to their interactions with the prisoner. This applies to all reports (pre and on-tariff) including those that have not been directed but are part of the prisoner’s parole dossier, as well as those that have been directed by the Parole Board.

Where a professional opinion is not included in the report, the Parole Board may direct that one is included either via an addendum, written update, or verbally within the Oral Hearing. Should this occur, the report author should make best efforts to discuss with the prisoner the change and advise them of their professional opinion. Where this is not possible/practicable, efforts should be made to ensure the prisoner is informed that a professional opinion will now be made in their case.

In line with the above, the following have been updated (see pages 2-3):

1. **PRA Reports.** The wording below is to be used in all reports within the ‘Issues to be Addressed’ section. Please note the easy read version provided. Please remove all other wording suggested by previous guidance or parole reform information. A final section for Psychologists to provide the Parole Board with their professional opinion on whether the prisoner is safe to be managed in the community and / or in open prison conditions is included. This section should be titled ‘Conclusion / Professional Opinion.’
2. **Consent form** – wording is provided below which can be included within all consent forms. Please note the easy read version provided.

Queries should be directed to ISPTeam@justice.gov.uk



Statements for PRA Reports and Consent Forms – please delete reference to previous parole reform notices or guidance and replace with:

PRA Reports

As of 03.04.23 HMPPS report writers completing risk assessments for the Parole Board are able to provide a professional opinion related to a prisoner's suitability for release into the community and /or for open conditions (where appropriate). When a professional opinion has not been provided as part of the report process, the Parole Board may ask for one at a later stage and this will be provided if the witness feels able to. If this does occur, the report author will make their best efforts to discuss this with the prisoner. When this is not possible/practicable, the prisoner will be informed of the professional opinion in readiness for the parole review.

Please note: This is the report writer's own professional opinion and not a formal overarching view on behalf of the Secretary of State. It is produced in accordance with the report writer's own remit and knowledge, and it is one opinion when there may be several different opinions which HMPPS may provide. Where an overarching view is provided by the Secretary of State, that view will take account of all reports and evidence, including any professional opinions offered by report writers.

Consent Forms

As of 03.04.23 HMPPS report writers completing risk assessments for the Parole Board are able to provide a professional opinion related to a prisoner's suitability for release into the community and/or for open conditions (where appropriate). When a professional opinion has not been provided as part of the report process, the Parole Board may ask for one at a later stage and this will be provided if the witness feels able to. If this does occur, the report author will make their best efforts to discuss this with you. When this is not possible/practicable, you will be informed of the professional opinion in readiness for the parole review.

Please note: When a professional opinion is provided, this is the report writer's own professional opinion and not a formal overarching view on behalf of the Secretary of State. It is produced in accordance with the report writer's own remit and knowledge, and it is one opinion when there may be several different opinions which HMPPS may provide. Where an overarching view is provided by the Secretary of State, that view will take account of all reports and evidence, including any professional opinions offered by report writers.



Easy Read Versions of these statements are provided below:

PRA Reports

From 3 April 2023 risk assessment reports for the Parole Board can include our thoughts about whether it is safe to release a prisoner into the community or move to open conditions. This is known as our Professional Opinion.

If we don't write it in our reports, the Parole Board can ask us later for our opinion. We will give that opinion if we think we can.

We will do our best to talk to the prisoner about this before we get to the oral hearing.

It is important to understand that this is the report writer's own opinion. It is not given as the view of the Secretary of State.

The Report Writer's opinion fits with their specific skills and knowledge as Psychologists.

It may be different to other HMPPS report writers.

If the Secretary of State gives a view, they will look at all the reports and evidence. They will consider all the professional opinions from all report writers.

Consent Forms

From 3 April 2023 risk assessment reports for the Parole Board can include our thoughts about whether it is safe to release you into the community or move you to open conditions. This is known as our Professional Opinion.

If we don't write it in our reports, the Parole Board can ask us later for our opinion. We will give that opinion if we think we can.

We will do our best to talk to you about this before we get to the oral hearing.

It is important to understand that this is the report writer's own opinion. It is not given as the view of the Secretary of State.

The Report Writer's opinion fits with their specific skills and knowledge as Psychologists.

It may be different to other HMPPS report writers.

If the Secretary of State gives a view, they will look at all the reports and evidence. They will consider all the professional opinions from all report writers.