



Ministry
of Justice

Disclosure Team
Ministry of Justice
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London
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Dr Laura Janes

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6 June 2023

Dear Dr Janes

Freedom of Information Act (FOIA) Request – 230508002

Thank you for your request dated 8 May 2023 in which you asked for the following information from the Ministry of Justice (MoJ):

- 1. The average length of time it has taken the Secretary of State for Justice and/or those delegated on his behalf to make a decision on whether or not to accept a recommendation by the Parole Board each year ending in March for the last three years**
- 2. Whether the Secretary of State for Justice and/or those delegated on his behalf to make such decisions have an internal timeframe within which they hope to make such decisions**
- 3. A copy of any relevant policies in respect of making decisions about recommendations from the Parole Board on open conditions**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided it below.

1. The average length of time over the past three years is as follows:
 - i. 2020/2021 – 36 days.
 - ii. 2021/2022 – 36 days.
 - iii. 2022/2023 – 165 days.
2. The internal timeframe is 28 days from receipt of the Parole Board decision.
3. I can confirm that the MoJ holds the information that you have requested. However, the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. The Generic Parole Process Policy Framework can be accessed here: <https://www.gov.uk/government/publications/generic-parole-process-policy-framework>

With regards to point one, you will see that there has been an increase in the average number of days taken by the Secretary of State to consider whether to accept a recommendation from the Parole Board.

Protecting the public is the Secretary of State's top priority and as such on 30 March 2022, a

Root and Branch Review of the Parole System, announcing the government's proposals to reform the Parole System, and put public protection at the heart of the parole process was published. The review can be found at: Root and Branch Review of the Parole System – GOV.UK (www.gov.uk).

These reforms introduced a new and more stringent test for considering an ISP's suitability for a move to open conditions following a recommendation by the Parole Board. The Generic Parole Process Policy Framework (GPPF) was revised to reflect this change and applied to all recommendations made by the Parole Board on or after 6 June 2022. The new test included the introduction of a higher level of scrutiny of Parole Board recommendations for open conditions in cases of offenders convicted of the most serious offences. This increased scrutiny has led to a delay in issuing decisions; however, it is a necessary measure in the interest of public safety.

Officials on behalf of the Secretary of State will apply the new test stringently to ensure any ISP is only permitted to progress to open conditions if the tests are wholly satisfied, in the interests of public safety. To be clear, the Secretary of State must be satisfied with the extent to which the ISP has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm, in circumstances where the ISP in open conditions may be in the community, unsupervised, under licensed temporary release. Lastly, the Secretary of State will need to be wholly satisfied that:

- the risk of abscond is low
- 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;
- the transfer would not undermine public confidence

The introduction of the new and more stringent test has led to a reduction in the number of ISP's accepted for a transfer to open conditions.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

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Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Chloe Davey
Public Protection Group