

Cecilia French, Chief Executive

Andy Slaughter MP
Chair
Justice Select Committee
House of Commons
SW1A 0AA



Sent via: maddockt@parliament.uk

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Dear Mr Slaughter,

Evidence session on 1 July 2025

Alexandra and I were very grateful for the opportunity to talk to the Justice Committee about Alexandra's imminent commencement as Chair, and the wider work of the Parole Board. There were a number of points I said I would follow up in writing, which are set out below.

David Norris public hearing

We informed the Committee that our next public hearing, for David Norris, is scheduled for 30 July, with the potential for further open evidence to be heard on 31 July 2025, which you are welcome to observe. I have attached the published public hearing decision [here](#).

Given the high-profile nature of this particular case, we have a high number of attendees who have already registered to attend and have almost reached capacity in the room we are hiring at the International Dispute Resolution Centre (IDRC). We would still very much welcome attendance by members of the Committee to observe this hearing and are able to reserve two spaces for you. Please could you [contact Kerry King](#) from my office to let us know, by 14 July, who from the committee would like to join us at the IDRC to observe.

We are hoping to overcome capacity problems in the future by using live streaming to allow people to attend public hearings remotely, in line with the recommendations of the Rook Topolski Transparency Review. However, a particular difficulty with this model is that we do not have the same powers as other courts to control live proceedings, such as a power to direct that certain information is not to be published, or a power to deal with contempt in the face of the court. We are working with the Ministry of Justice to seek their agreement to these powers being included in new primary legislation and identify a legislative vehicle through which to enact the powers.

Victims and survivors

We also discussed the positive news that victims and survivors are now able to apply to observe private hearings throughout our jurisdiction. Since 1 April 2025, victims across the country can apply to observe a private oral hearing in all new parole referrals. As the roll-out did not apply to cases which were already active within the parole caseload before 1 April, the number of applications we have received to date are still low. We expect them to steadily increase over the next



few months as cases that were referred in April reach the oral hearing stage of the process.

During the initial pilot in Manchester and the South-West, there was a 57% acceptance rate. Since 1 April 2025, that acceptance rate has increased to 79% (19 applications accepted and five refused). Of the applications rejected, the reasons were due to:

- Risk posed to both staff and the prisoner (one refusal)
- A prisoner not being able to give their best evidence due to mental health (three refusals)
- An out of time application (one refusal)

Only one application had been rejected because it was out of time since the national roll out. We list cases three months (12 weeks) in advance, and we notify both parties at the time of listing. Victims and survivors are able to apply to observe a private oral hearing from the point the case is referred up until eight weeks before a scheduled oral hearing date. A victim should be informed of an oral hearing date 10-12 weeks before it takes place. However, the Parole Board does not ordinarily have direct contact with victims. We understand that in order to inform a victim of a hearing date, the HM Prison and Probation Service (HMPPS) contact the Victim Contact Scheme (VCS). Any delay in communication in this process could lead to an application being submitted out of time. It is also possible that a victim may need some time to think about whether observing is in their best interests, and this could lead to a last minute change of mind.

There is a provision within our rules to extend the deadline, however these applications become more difficult to deal with as the hearing date approaches. This is because victim observed proceedings require sensitive additional preparation, in order to deal both with case management decisions such as deciding what evidence will need to be held in open vs closed proceedings, and logistical challenges like where the victim will observe from and who will be there to support them on the day from HMPPS. We do need a reasonable time to resolve these matters before any observation takes place.

Unfortunately, we are unable to provide the committee with information regarding how many prisoners refused to hear a victim personal statement, as this is not data that we hold.

Reconsideration

The Committee was interested in understanding the proportion of reconsideration applications that were initiated by each party.

We looked at the data that we hold for 2024/25. During that financial year, there were 258 applications. Of those, only 8 (3%) were made by the Secretary of State. The remaining 250 (97%) were made by or on behalf of prisoners. This is roughly in line with data for previous years, which shows that the reconsideration mechanism is mostly used by prisoners. Of the 8 applications made by the Secretary of State, 2 (25%) were granted, and 6 (75%) were refused. Of the 250 applications made by prisoners, 58 (23%) were granted and 192 (77%) refused. Of the 60 applications that were granted, 75% led to the same decision outcome as the original decision.

We believe that the low grant rate and the high rate of parity with the original result demonstrates that our decision making is strong. This reassures us that we are protecting the public by making robust and evidence focused decisions.

Open conditions

We discussed the Parole Board's role in moves to open conditions.

Ultimately, the decision about where a prisoner is housed within the prison estate is a matter for the Secretary of State. The Parole Board can make a recommendation to the Secretary of State that a prisoner be moved to open conditions, but the decision rests with them as to whether to accept that recommendation, or not. They are not bound by our decisions in the same way as directions to release are binding, but case law has indicated that they need to give deference to the recommendation of the expert panel, particularly where the panel is better placed to make a first-hand assessment of the evidence.

In 2022, the then Government introduced a three-step public protection test for deciding whether to accept our recommendations for open conditions:

- 1) Low risk of abscond
- 2) It is essential for progression to eventual release
- 3) It would not undermine public confidence

This was then swiftly amended to also include a requirement that the Parole Board consider risk to the public, which was missing from the original test.

Before this change over 90% of the Parole Board's recommendations were accepted by the Secretary of State. Following this, it reduced to 19%.

We signalled at the time that testing in open conditions for some prisoners is critical to assessing a reduction in risk in a controlled fashion. When moves to open conditions are restricted, it increases the likelihood that some of the most complex individuals will be released directly from closed conditions into the community, with less certainty on how they might behave, increasing the risk to the public. There was a subsequent wave of challenges to decisions refusing our recommendations, many of which were successful, which ultimately resulted in the Court of Appeal giving a judgment¹ setting out and clarifying the applicable law.

The criteria were changed again in 2023. The public confidence and essential for progression requirements were removed from the test. This led to a gradual increase in the number of open recommendations accepted. We can confirm that in 2024/25, there was a 78% acceptance rate.

Kind regards,



Cecilia French
CEO of the Parole Board

¹ Sneddon & Oakley v SSJ [2024] EWCA Civ 1258