

# The Pre-Tariff Review Process

Easy Read Self Help Toolkit



## About this document



This document was made by CHANGE, a charity led by people with learning disabilities.



This document uses easy words and pictures to tell you about The pre-tariff review process.



You might want to read through it with someone else to help you to understand it more.

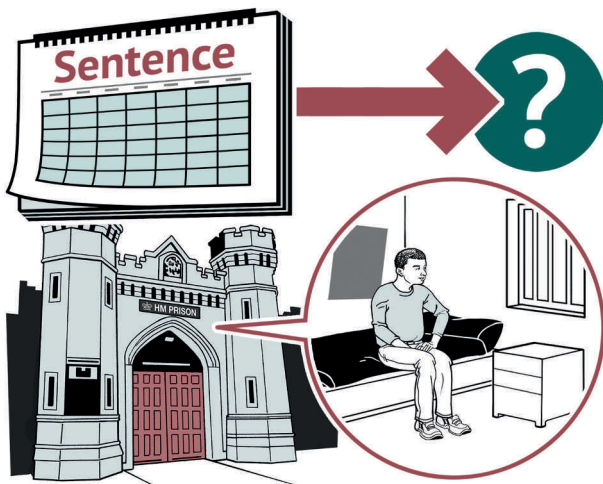
# Contents

About this document _____	Page 2
What is a pre-tariff review, and how is it different from a post-tariff parole hearing? _____	Page 4
What about representation? Are Sifts and Pre-Tariff reviews covered by legal aid? _____	Page 5
Who conducts the review? _____	Page 5
When should it happen? _____	Page 6
I have been told I am presumed unsuitable for Sift / Review. Why is this? ____	Page 7
Which documents will be considered at the Review? _____	Page 8
What issues are considered at the SPRM? _____	Page 8
How can I prepare for my Sift and Review? _____	Page 10
What are the possible outcomes of the Sift? _____	Page 11
What happens after the Sift? _____	Page 12
What is a Pre-Tariff advancement? _____	Page 13
I've heard about a Guittard Application – what is it? _____	Page 14
Where does the Pre-Tariff Review fit in with the overall Parole Process? ____	Page 17
Tell me more about the dossier _____	Page 21
What if there is an error in my dossier? _____	Page 22
What do I do if the prison does not disclose parts of my dossier to me? ____	Page 23
What role do victim's opinions play in this process? _____	Page 24
What does consideration on the papers mean? _____	Page 26
Aside from prison officials, my advocate and I, who else can attend my oral hearing? _____	Page 28
What if I'm not ready for the hearing? _____	Page 30
What happens during the hearing? _____	Page 33
What if I am subject to deportation? _____	Page 37

## What is a Pre-Tariff review, and how is it different to a post-tariff Parole Hearing?



A Pre-Tariff review is held to decide whether there is evidence that you are suitable to be transferred to an open prison before your parole date.



These reviews are for indeterminate sentence prisoners who are coming up to their first parole review.



The Pre-Tariff Sift happens before the Pre-Tariff Review and is held to decide whether your case should be referred to the Parole Board for the review.

## What about representation? Are Sifts and Pre-Tariff reviews covered by legal aid?



The Sift and Pre-Tariff review cannot result in your release so they are not covered by legal aid.

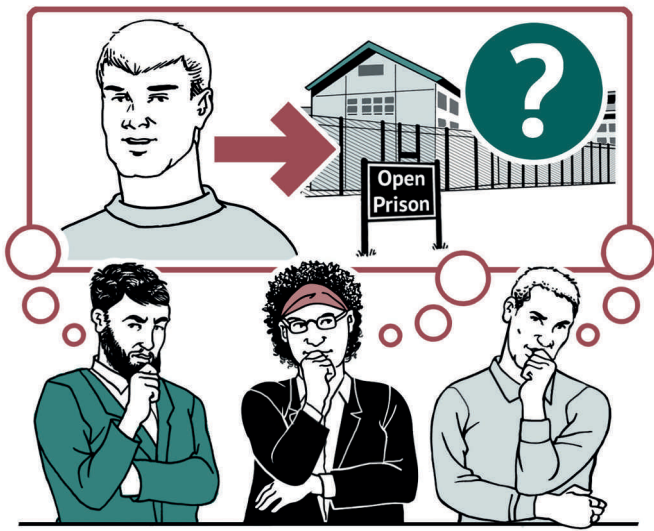
## Who conducts the review?



Some cases will be looked at by Her Majesty's Prison and Probation Service staff without being referred to the Parole Board.



The Sift takes place during a Sentence Planning Review Meeting or SPRM.

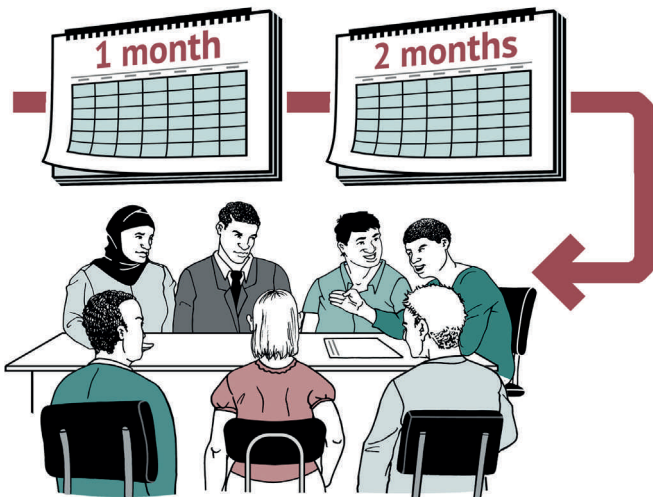


If the case is sent to the Parole Board, a panel will decide whether you should be moved to an open prison or not.



The final decision will be made by a member of Public Protection Casework Section (PPCS) who may say Yes or No to the decision on behalf of the Secretary of State.

## When should it happen?



The Sift review should take place 2 months before the parole review process should start.



You must be sent the date of this meeting so that you can submit any representations.



You should be sent any copies of reports to be used at the SPRM.

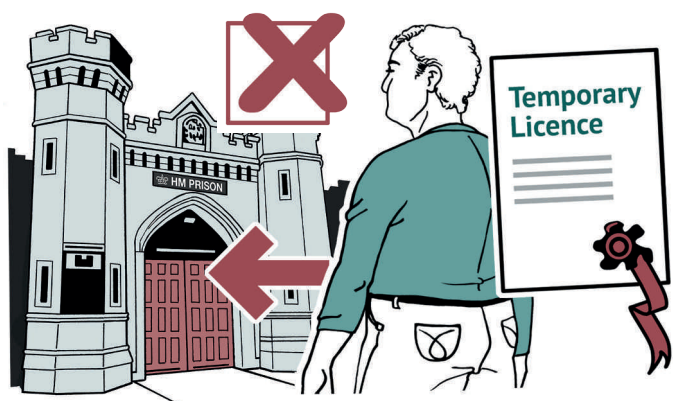
## I have been told I am presumed unsuitable for Sift / Review. Why is this?



You are usually not put forward for a Pre-Tariff review because you have Category A status, have a very high risk of harm, or have a charge of serious violence in the last 12 months.



Prisoners who have tried to escape will not be put forward for a Pre-Tariff Review.



Prisoners who have failed to return from release on a temporary licence (ROTL), or caused an offence whilst on ROTL will not be put forward for a Pre-Tariff Review.

## Which documents will be considered at the Review?



Reports will be submitted by prison and probation staff and the Sift Panel will look at any representations made by you or on your behalf.

## What issues are considered at the SPRM?



The key questions covered at the SPRM are:

1. Have you reduced your risk level to protect the public from harm?
2. Are you likely to respect temporary release in the community?





3. Will you benefit from being tested in a more realistic environment?



4. Have you had any adjudications and why did they occur?



5. Do you have any medical, psychiatric, or psychological issues that may stop you being successful in open conditions?



6. How have you dealt with being in positions of trust?

## How can I prepare for my Sift and Review?



- Make sure that all of your risk reduction work is completed and your sentence planning targets are met 6-12 months before your Sift date.



- Prepare written representations which note all the work you have done to reduce your risk.



- Make sure the panel have the most up to date information about the work you have done in the prison.



- If you have had any adjudications in the past 2 years including drugs or violence think about putting off your Sift for a later date.

## What are the possible outcomes of the Sift?



1. Your case is referred to Parole Board for a Pre-Tariff Review to consider a transfer to open prison.



2. Your case is recommended for a further (previously known as exceptional) Pre-Tariff Review to consider a transfer to open prison.

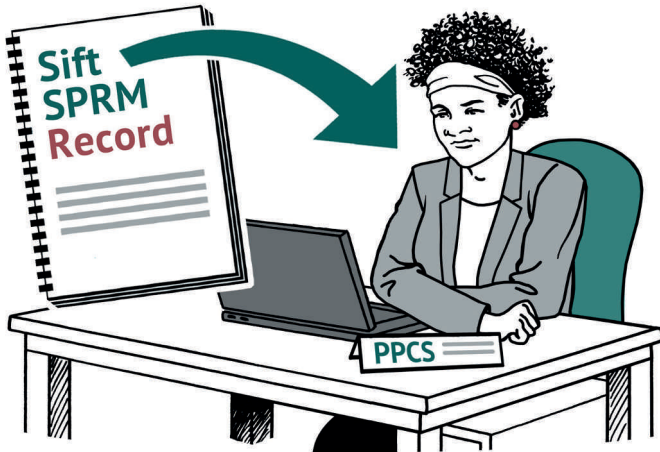


3. Despite negative aspects your case is recommended for Pre-Tariff Review.



4. You are prevented from or your case is not referred for a Pre-Tariff Review.

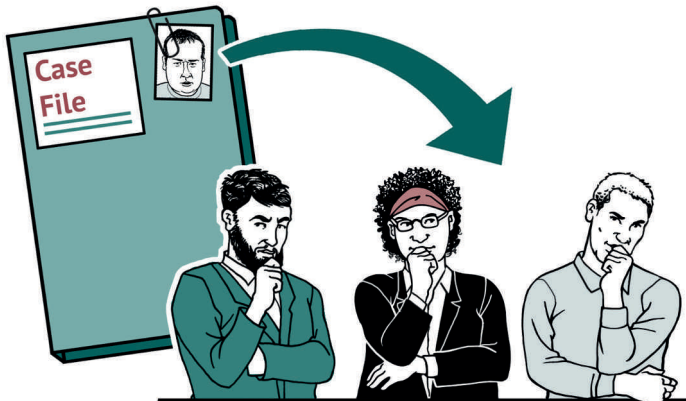
## What happens after the Sift?



The record of your Sift SPRM must be sent to the PPCS case manager within 5 working days of the Sift finishing.



You must be notified of the decision in writing within 14 days.

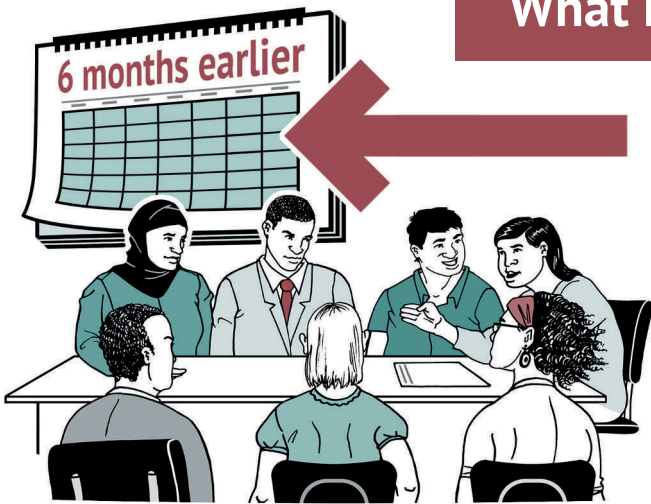


- **If the PPCS agrees:** Your case is then referred to the Parole Board and you would normally receive the dossier on the date of your Pre-Tariff Review.



- **If the PPCS disagrees:** You can appeal via the internal complaints procedure or if you are able to talk to a solicitor he or she can submit a letter on your behalf to PPCS.

## What is a Pre-Tariff advancement?



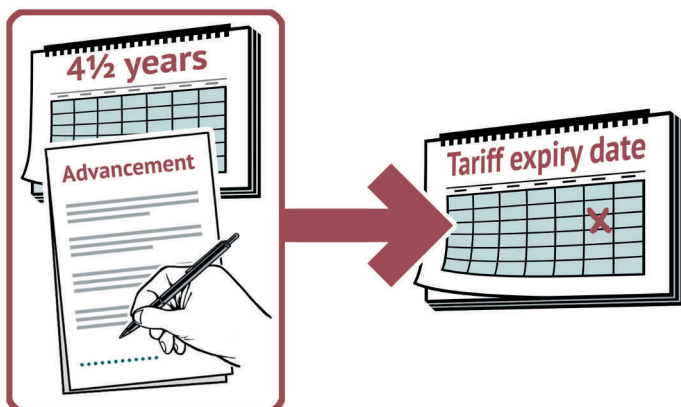
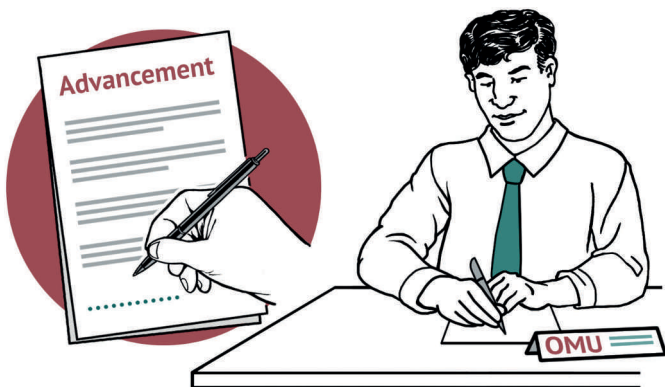
If you become a Category C or female 2nd stage prisoner 4 and ½ years before your tariff finishes, the date of your Pre-Tariff Review can be brought forward by 6 months.



What this means is that you may be considered for a transfer to open prison at an earlier stage.



If you ask for an advancement it must be signed off by the Head of the Offender Management Unit (OMU).

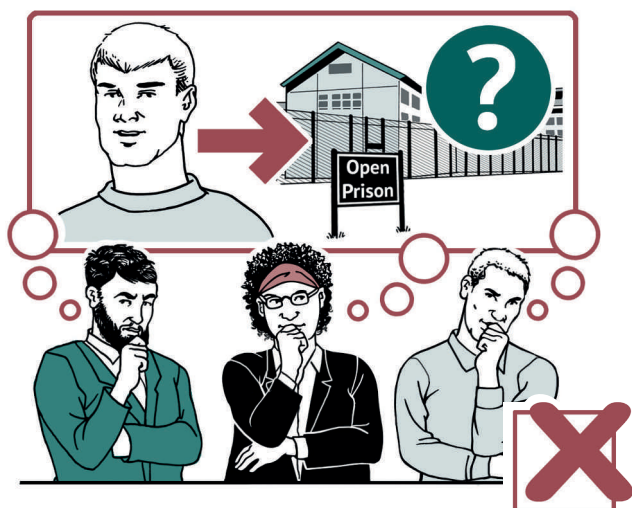


This must not be made any sooner than 4 and ½ years before your tariff finishes.



You would still have to go through the Sift process.

## I've heard about a Guittard Application – what is it?



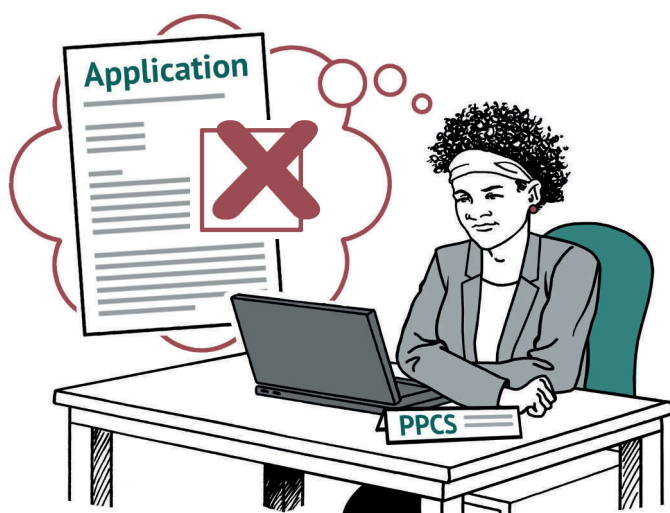
This is when, in exceptional circumstances, the case for a transfer to an open prison is looked at without referral to the Parole Board.



For a successful Guittard Application:

1. Your Parole Dossier must have evidence that you have made progress in addressing ALL of your risk factors;
2. There must be an agreement among report writers that you are suitable and it is safe for you to transfer to open conditions;





3. There are no areas of concern noted by the report writers that the parole board should look into;

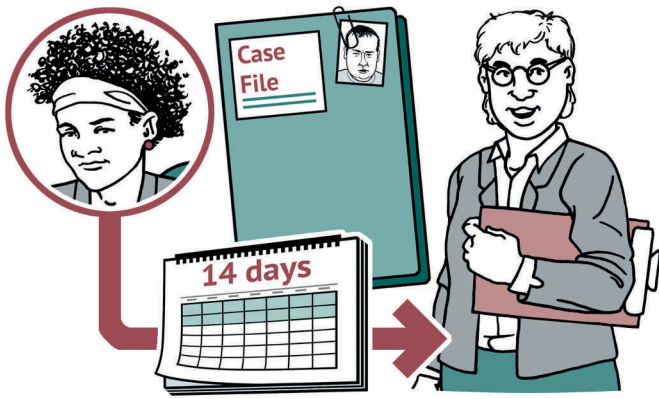
4. That there is a clear benefit in you being transferred to open conditions straight away rather than by following the usual process.

#### Please note:

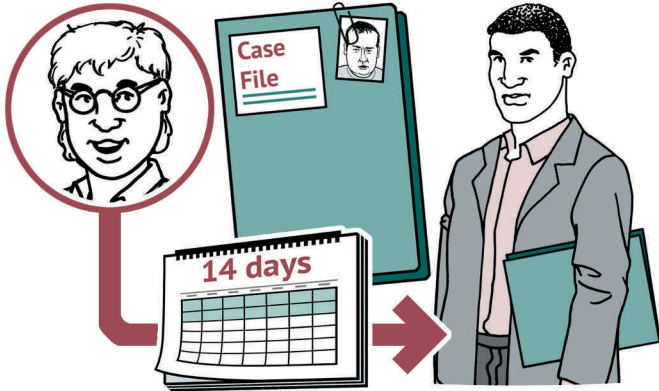
1. The application should be sent to:

**PPCS**  
**102 Petty France,**  
**London,**  
**SW1H 9AJ**

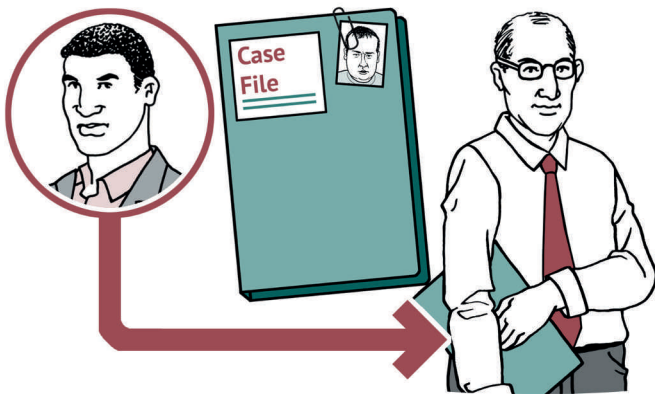
2. If the PPCS Team Manager thinks the transfer should not happen they can reject the application within 14 days.



3. If the PPCS Team Manager thinks the transfer should happen the case must be passed to the Head of Casework within 14 days.



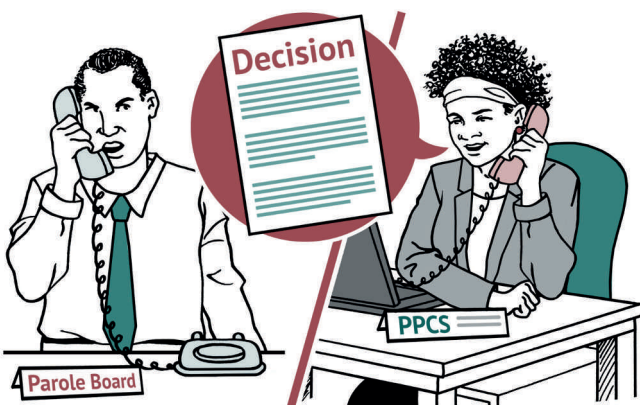
4. If the Head of Casework agrees the transfer should happen the case should be passed to the Head of PPCS within 14 days.



5. The case will then be passed to the Head of Offender Management and Public Protection Group for final approval.

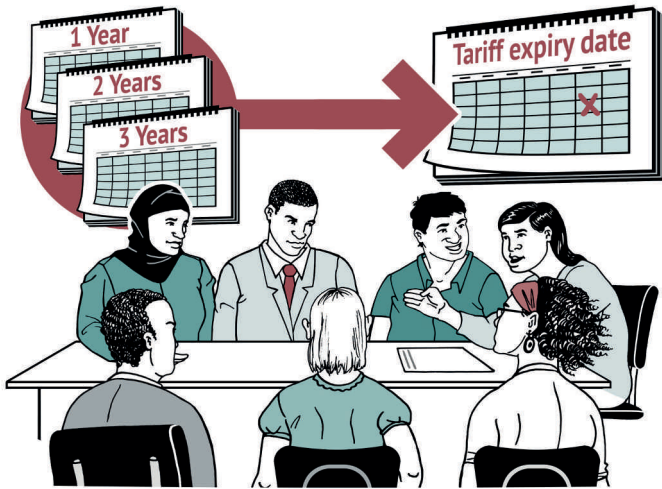


6. The final decision letter must be sent to the prisoner within 7 days.



7. The PPCS Team Manager must tell the Parole Board immediately.

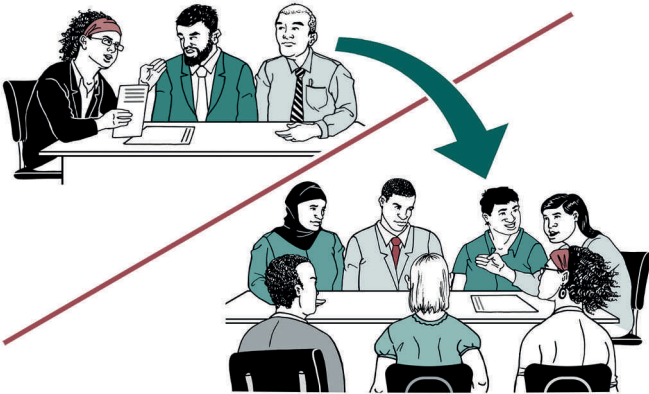
# Where does the Pre-Tariff Review fit in with the overall Parole Process?



Your Pre-Tariff Review should take place 3 years before your tariff expiry date.



Indeterminate Prisoners whose tariff has ended should have their case looked at every 2 years.



The Pre-Tariff Review comes after the general Parole Board review process, which is known as the Generic Parole Process.



The Generic Parole Process begins with a 26 week period to allow for the dossier reports to be put together and the Parole Board to look at your case.



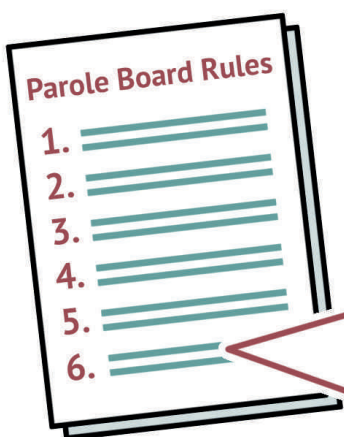
When the review process starts you should get a letter asking if you wish to proceed with the review.



The letter also asks if you wish to let the Parole Board know of your representative.



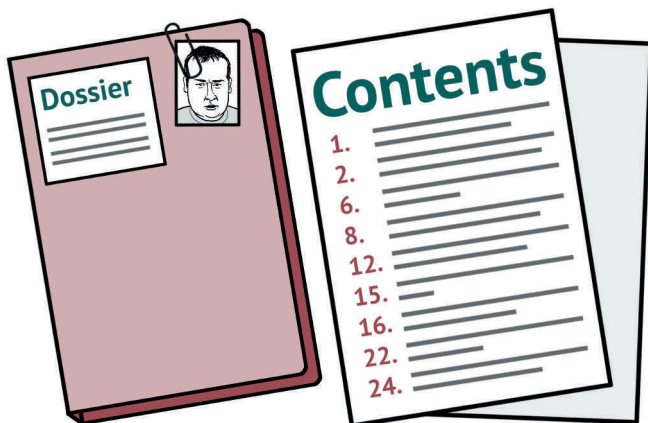
It's important to let the Parole Board know if you don't have a representative.



Rule 6 of the Parole Board Rules says that you can appoint any person of your choosing as your representative.

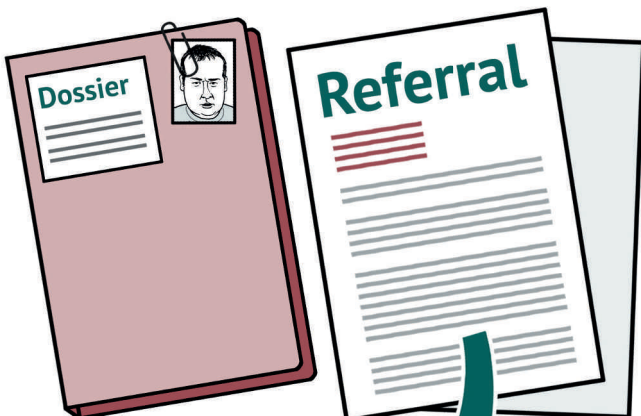


If you do not want the review to take place you can apply for a deferral.



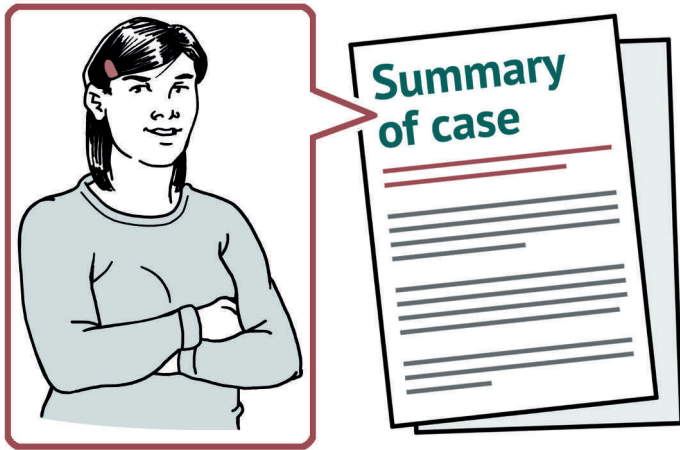
Once the process has begun, the PPCS will prepare a skeleton dossier, which should contain:

- A table of contents



- The referral to the Parole Board





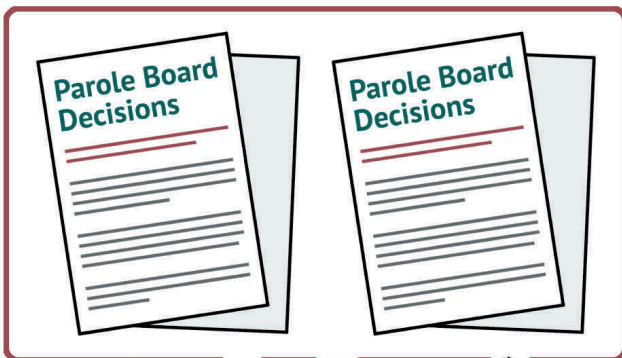
- A summary of your case



- Papers about your offence

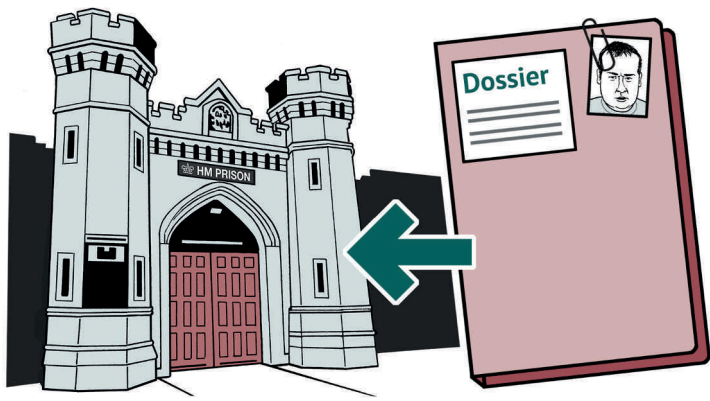


- A record of adjudications



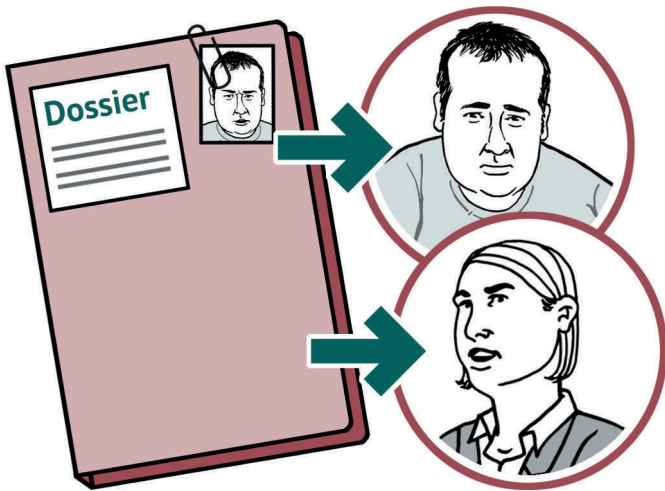
- Any previous Parole Board decisions





The skeleton dossier is then sent to the prison and they add any updated reports.

## Tell me more about the Dossier



The prison should give you a copy of the dossier and a copy should be sent to your representative.



You should submit representations within 4 weeks of the dossiers being given to you.

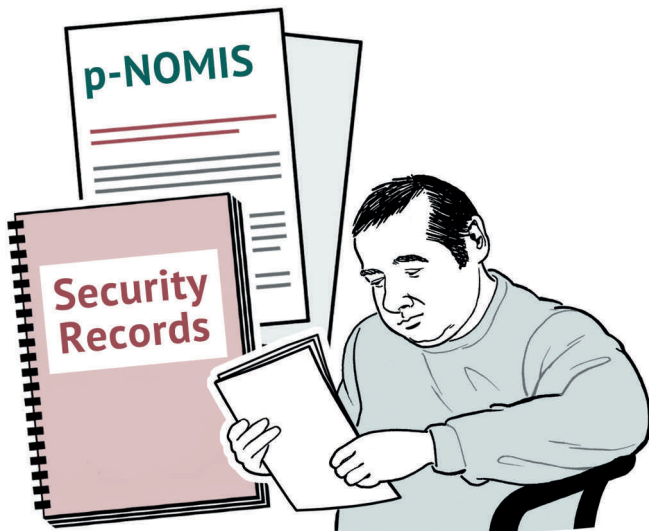


What you put in your representations is very important.

## What if there is an error in my dossier?



If you find information in the dossier that you think is wrong you can challenge it.



To do this you should get a copy of your security records and a print out of any comments noted on your Prison National Offender Management Information System (p-NOMIS)



This is possible under the Data Protection Act but you must pay a fee of £10.

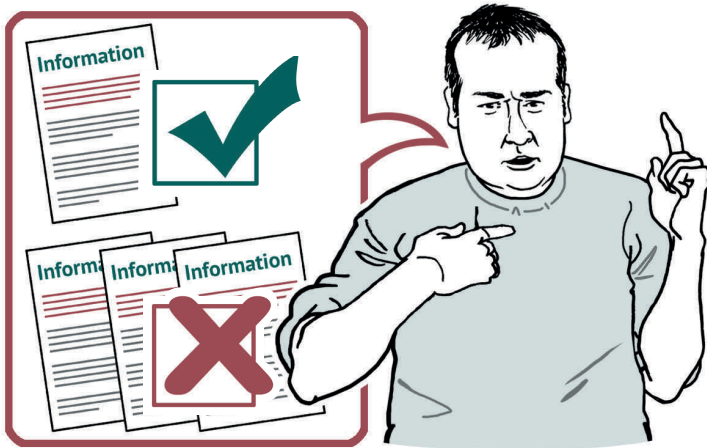


The request needs to be made to:

**Prison Service Information  
Management Section  
Branston Registry Buildings  
16 S&T Store  
Burton Road  
Branston  
DE14 3EG**

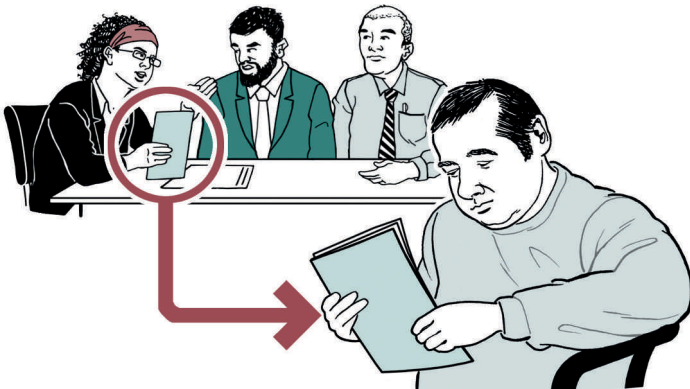


This information should be sent to you within 40 days.

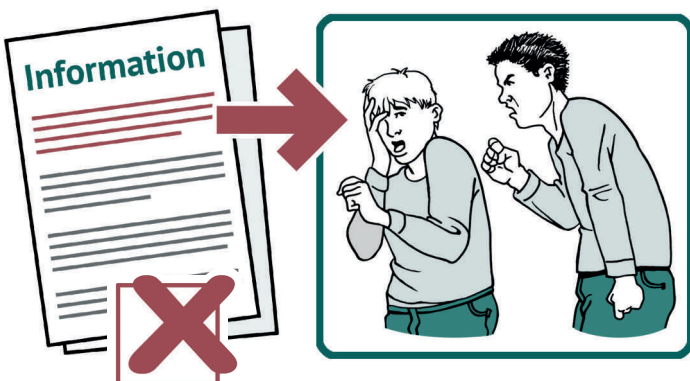


This can happen more quickly if you ask for certain information instead of all the information.

## What do I do if the prison does not disclose parts of my dossier to me?



All material looked at by the Parole Board should be given to the prisoner.

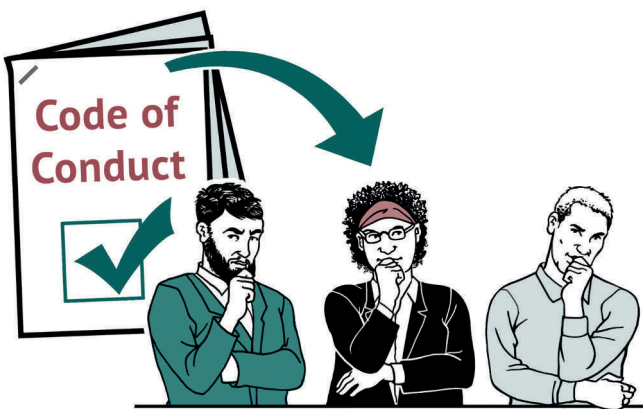


There are situations where information may not be given to you e.g. if giving out information affects national security, or the health and welfare of other prisoners.



If you are concerned about material in your dossier being withheld you can contact the Prisoner's Advice Service to get advice.

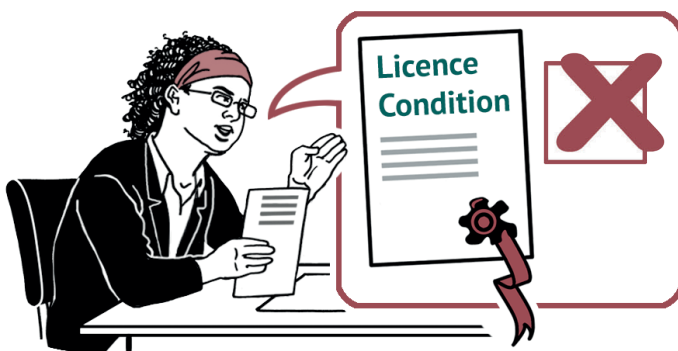
## What role do victim's opinions play in this process?



Following the introduction of the Code of Practice for Victims of Crime in February 2014 the Parole Board must:



- Think about all representations that victims have made about licence conditions



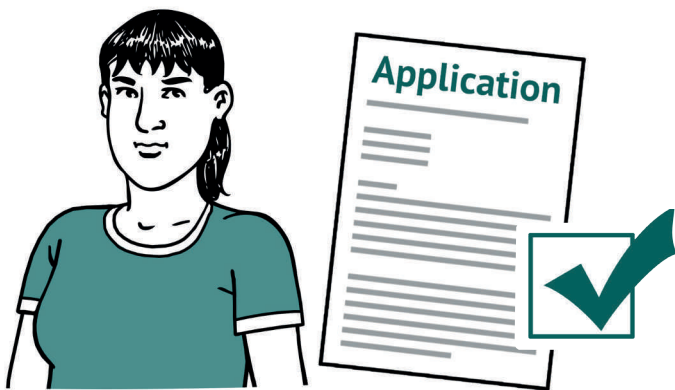
- Where a victim has asked for a licence condition which has not been included, give a reason for not including it



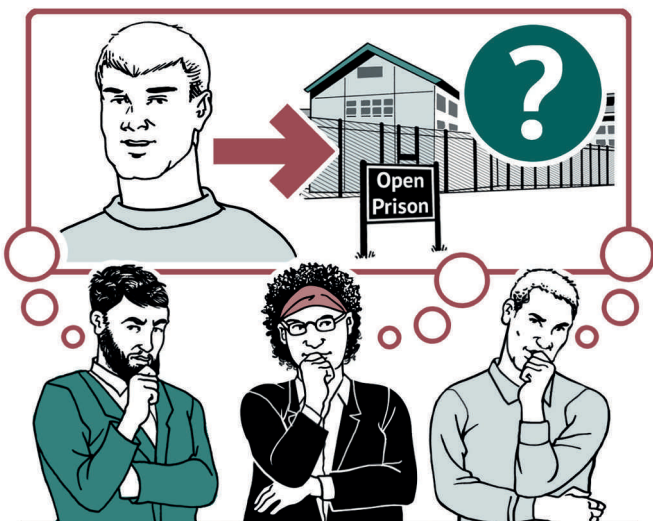
- Read a Victim Personal Statement (VPS) if one is submitted



- Think about applications from the victim if they want to come to the oral hearing



- Give permission for the victim to attend the hearing unless there is a good reason to do so



The views of the victim do not influence whether the Board recommends your transfer to open prison.



Unless there is an issue of risk, if so this evidence must be included in the dossier.

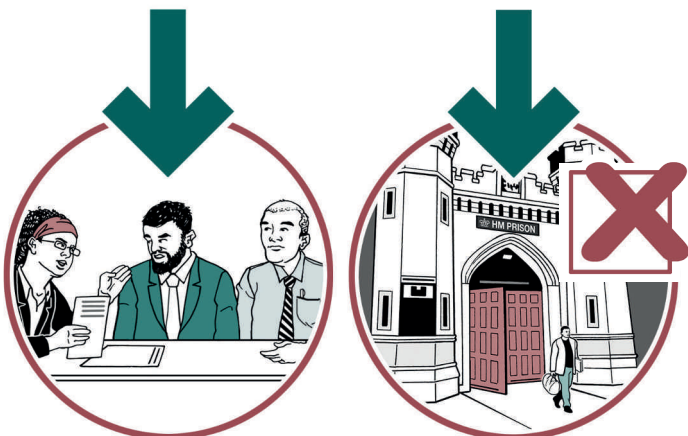
## What does consideration on the papers mean?



The Parole Board will start by thinking about your dossier 'on the papers', once your representations have been added to it.



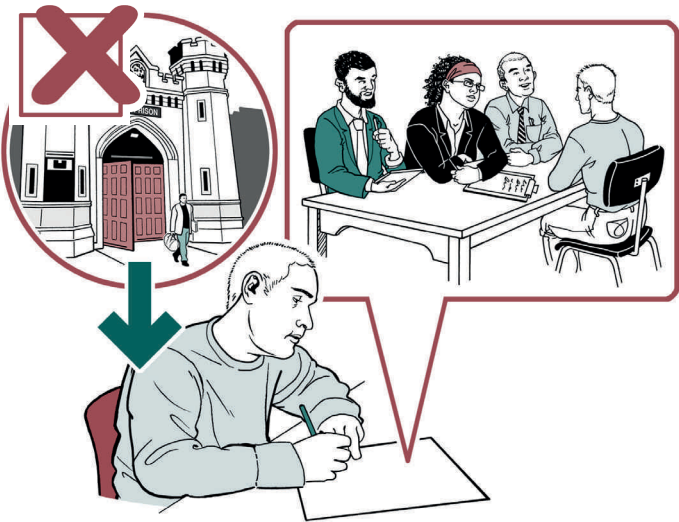
This is currently done by an ICM Member which stands for Intensive Care Management.



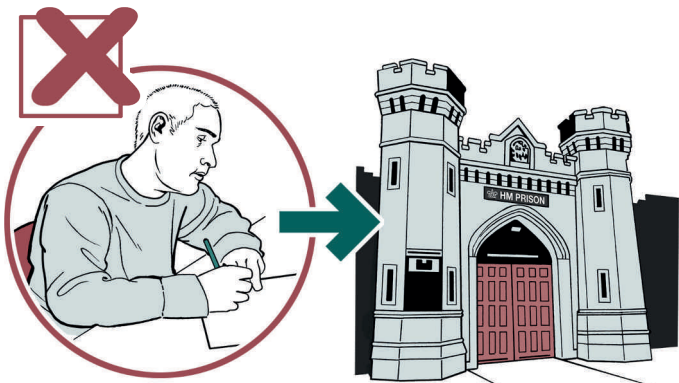
The member may make a decision that the prisoner is unsuitable for release or may refer the case to a hearing.



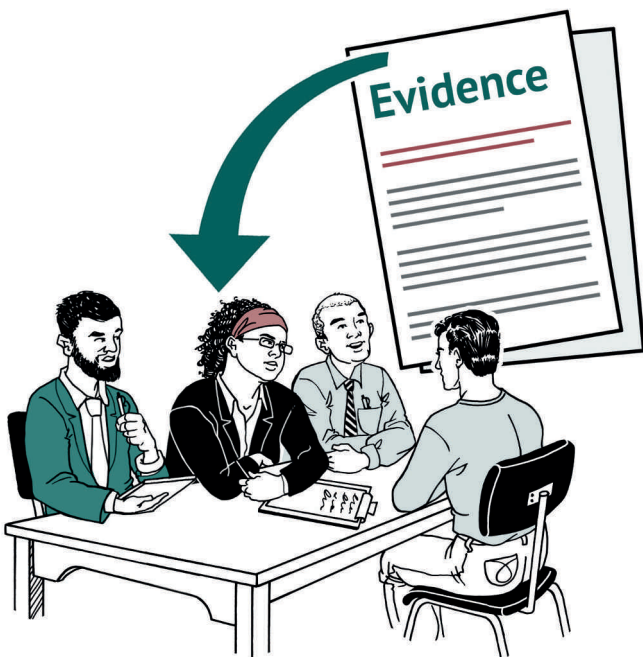
If the case is to go to an oral hearing, the single member will say what happens.



If you are found unsuitable for release you can make a written request for an oral hearing with full reasons.



If you do not make a request then the decision becomes final.



It is important that you submit any new evidence before the oral hearing.

## Aside from prison officials, my advocate and I, who else can attend my oral hearing?



You can apply for an observer to be at the hearing. This could be close friend or family member. This may be important if you are not represented.



It is important to think about who you would like to attend as your offences will be talked about.



You may feel uncomfortable talking about this in front of people who are close to you.





Remember that victims may have also asked to be at the hearing and have a victim statement read out.



The victim should be kept apart from you whilst in the prison.



You can choose whether or not to attend during the presentation of the victim's statement.



After the victim has read the statement, he or she will not be allowed to add anything else. The victim will be asked to leave and there are no more questions.

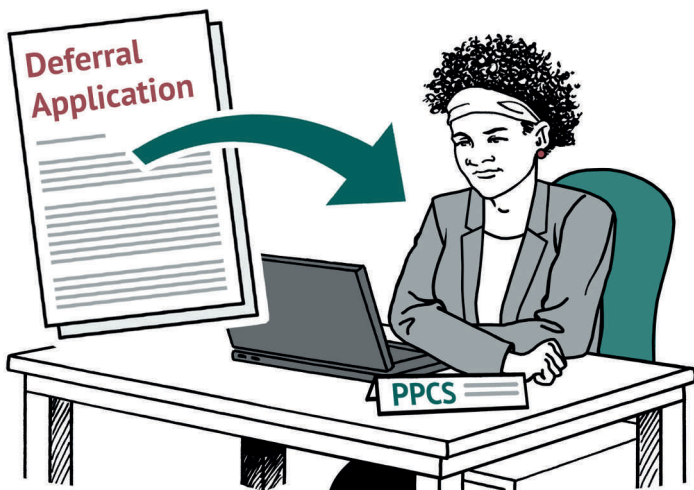
## What if I'm not ready for the hearing?



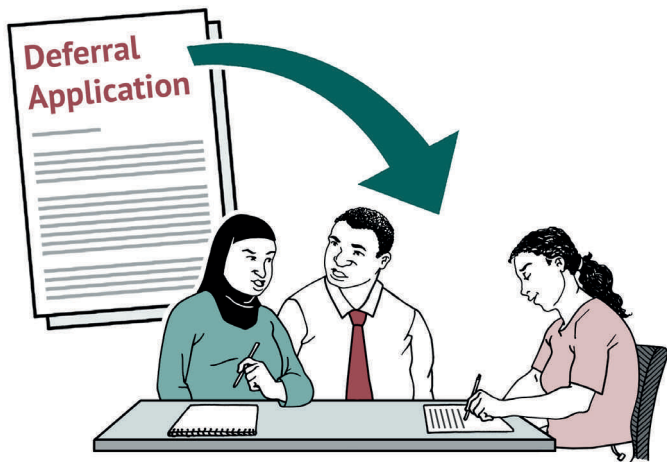
You should be given the time of the hearing at least four weeks in advance.



If you are not ready you can ask for a deferral which means the hearing will be put off and arranged for another day.



You must apply for a deferral to the PPCS if the review has not started.



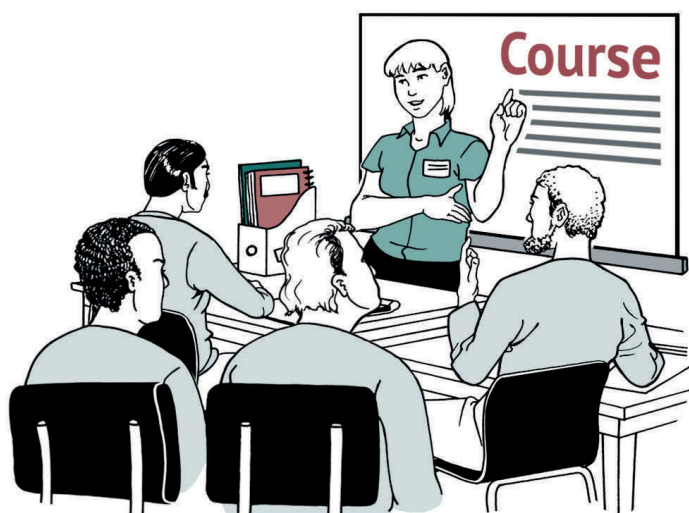
If the review has started and there has been a referral to the Parole Board you must apply for a deferral to the Oral Hearings Team.



This will then be passed on to the ICM Member.

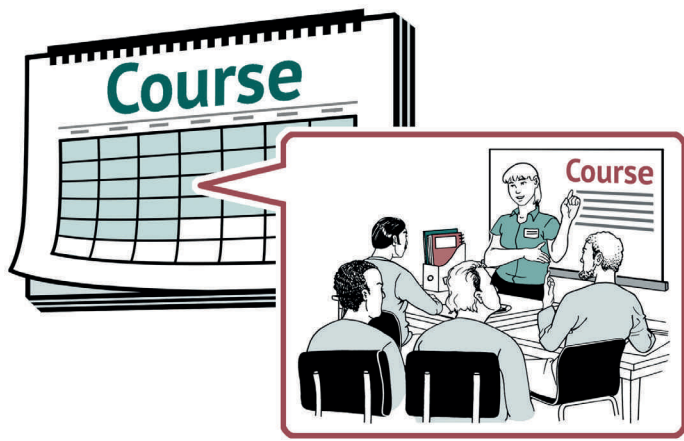


If your case is being looked at by the Parole Board you must ask the Chair of the Panel.



A deferral will not normally be given if:

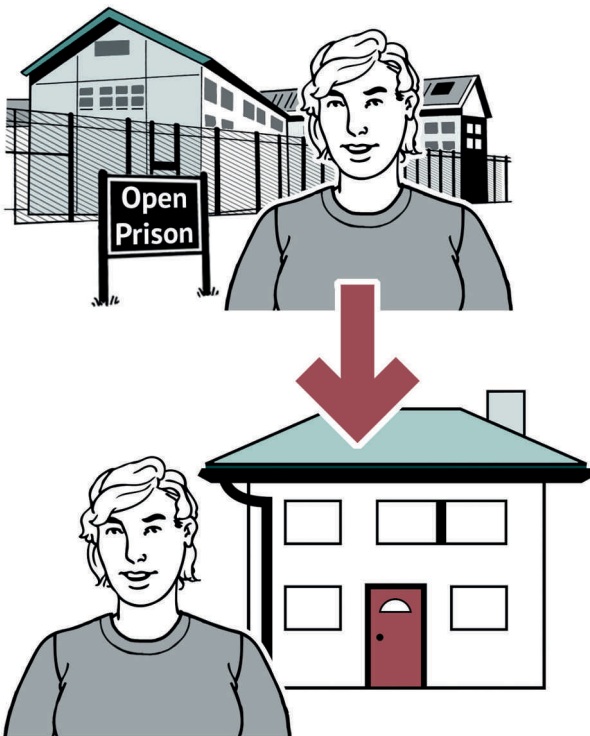
- You are likely to start on a course or want to complete a course and your report won't be ready for 3 months.



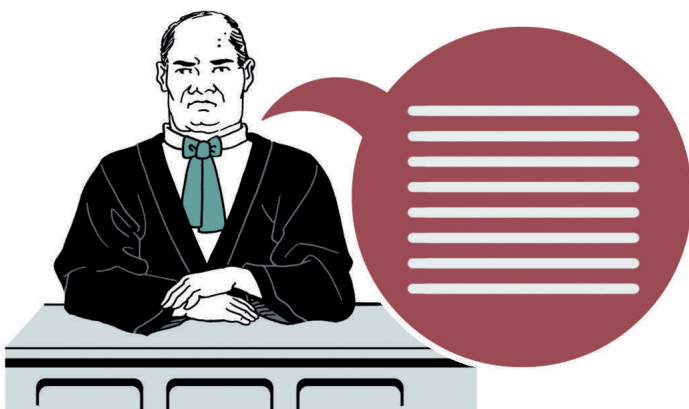
- You are at the end of a course.



- You want to transfer for a short time to another prison for courses or therapy.



- You have just transferred to open conditions and want to complete home leaves.



- You want to wait for a decision from a court case.

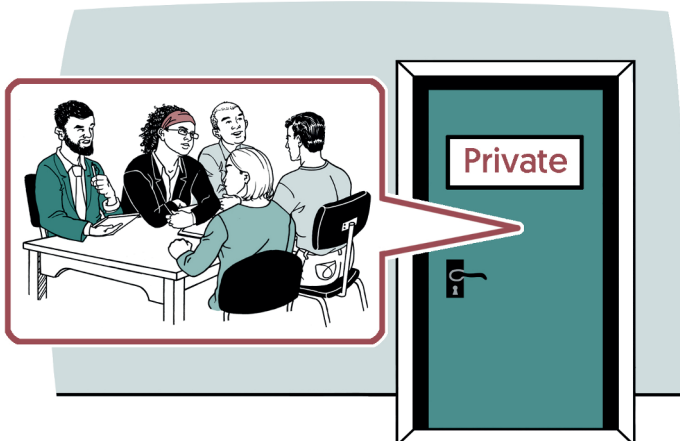
## What happens during the hearing?



The oral hearing will normally be held at the Prison.



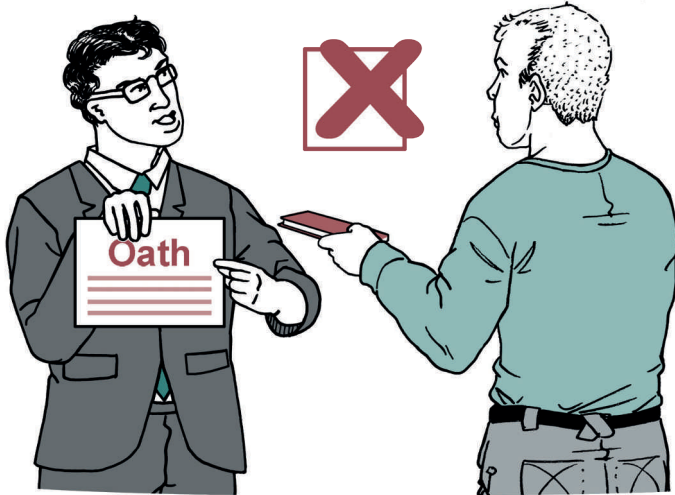
It is also possible to hold the hearing by video link.



The hearing should always take place in a private and quiet room.



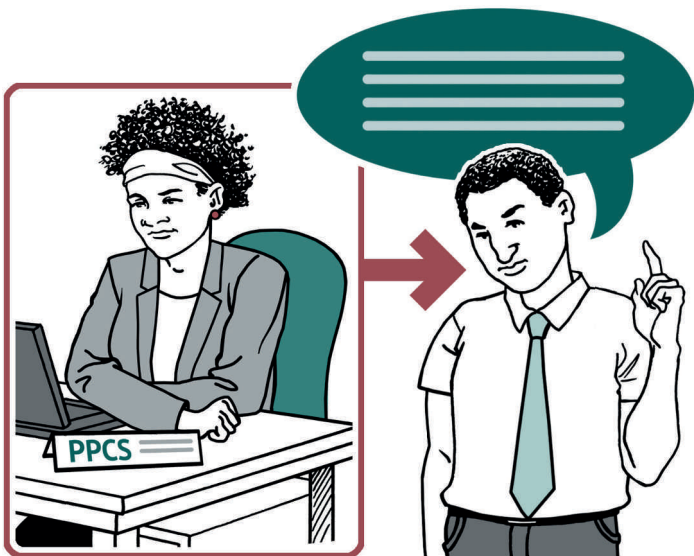
All the participants sit around a table.



Witnesses do not give evidence on oath.



As well as you and your representative there will be a panel of 1 to 3 members.



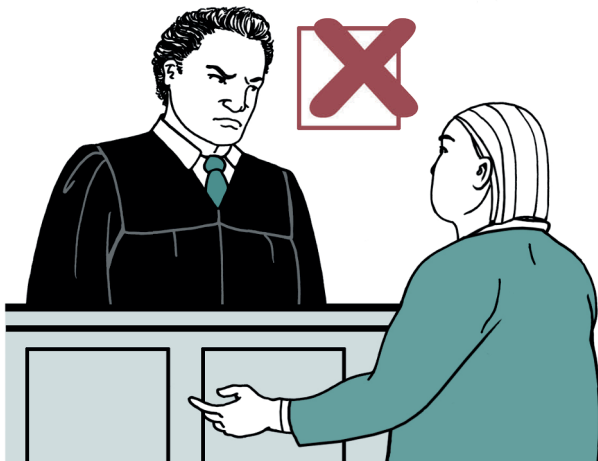
The PPCS may send someone to the hearing to speak on behalf of the Secretary of State.



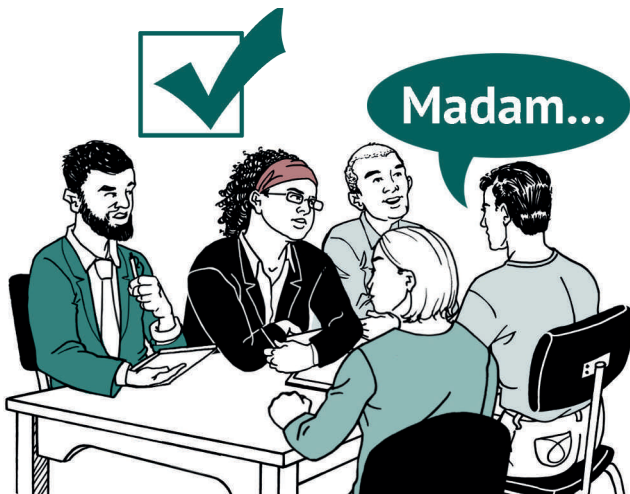
**Offender  
supervisor**

**Offender  
manager**

It is normal for the offender manager and offender supervisor be at the hearing as witnesses.



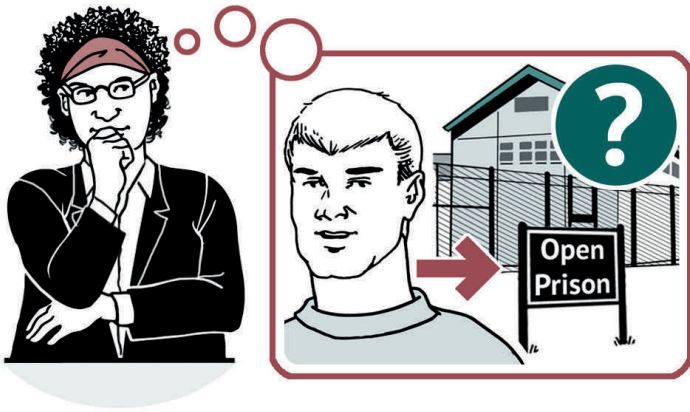
Your hearing should be informal and not like a trial.



You should call the members of the panel Sir or Madam.



Panel chairs should make the prisoner and witnesses feel at ease.



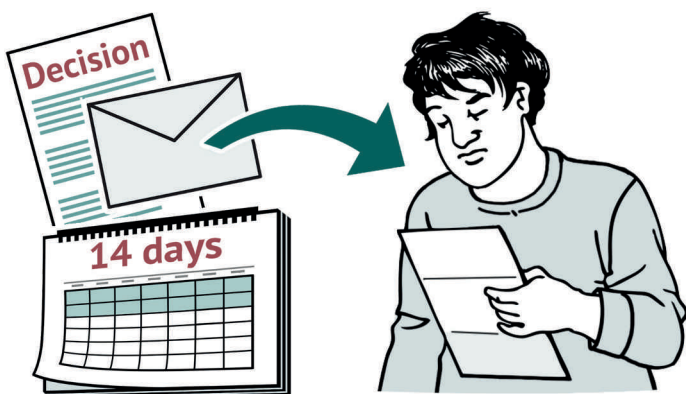
The panel chair is trying to find out whether you are suitable for open conditions.



Before the end of the hearing your legal representative will make their closing comments.



The board need to agree that the public no longer need protection from you and that you can move to open conditions.



The decision has to be recorded in writing and will be sent to you in 14 days.

## What if I am subject to deportation?



If you are to be deported, this will happen at the end of your sentence.



Indeterminate sentence prisoners can be removed by the Secretary of State without a referral to the Parole Board.



Prisoners who have a deportation order and have had all appeal rights turned down will not be transferred to open conditions.



Prisoners who should be deported but haven't got the Deportation Order will have a more strict assessment before transfer to open conditions.

## **PRISONERS' ADVICE SERVICE**

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS



This easy read document has been produced by CHANGE  
[www.changepeople.org](http://www.changepeople.org)