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Newsletter: Issue 4: April 2018

## Experts in Parole, Judicial Review and Prison Law

### Judicial Review (JR) – A Quick Guide

JR is an application made to the High Court to challenge a decision, action or a failure by a public body. You must have tried all possible routes to resolve the problem before bringing a claim. Examples of grounds for JR are that the public body....

1. ... got the law wrong. They applied the law in the wrong way to the decision.
2. ...used their power in the wrong way. This is sometimes called 'procedural unfairness'.
3. ...acted irrationally and made a decision that no reasonable decision-maker could have made.

Cases have to be brought quickly and within 3 months of the date that the decision was made. In almost all cases a 'pre-action' letter needs to be sent to give the public body a chance to reconsider the decision.

### What should I do if I think I have grounds for a JR?

You should contact us quickly and explain what your case is about. We will need to see a copy of the decision and documents like complaints or letters you have written about the problem. We can advise you on whether you have a case and the next steps to take. Legal aid is available. We will need to get proof of your finances (and those of your partner if you have one). You have to show that your chances of success are good enough before the Legal Aid Agency will agree to fund your case.

### What orders can the court make?

If a judge thinks you have an arguable claim they will grant 'permission'. Final Orders can include a 'Mandatory' Order (requiring the public body to do something), an injunction (preventing them from doing something), a Declaration and an order that 'damages' (compensation) should be paid. Sometimes the public body has to decide the case again.

### News

#### **"The name's Bond...."**

We are very pleased to announce that **Catherine Bond** has recently joined the team at SL5Legal.



Catherine qualified as a solicitor in 2007. She is duty qualified and has extensive experience in criminal law and prison law. She established and ran the prison law department at her previous firm for 9 years. Catherine works in the South East. She represents life sentence prisoners and IPP prisoners at oral hearings before the Parole Board, as well as determinate sentence prisoners on recall.

#### **Injustice Documentary**

We are co-presenting a screening of *Injustice*, an acclaimed documentary about prisons and criminal justice with Doughty Street Chambers on 12 April. More details will be in our next issue.

## News

### Ministry of Justice (MOJ) Review of the Parole Board

The MOJ are carrying out a review of:

1. how Parole Board decisions can be challenged and reconsidered
2. whether decisions and reasons for Parole Board decisions should be made available to the public.
3. how victims are involved at parole hearings and how decisions are communicated to victims.

Andrew Sperling of SL5 has met with MOJ officials and has put forward views about the review. He was told that efforts will be made to get views from prisoners about these issues. There is no formal consultation process and we think this is unacceptable for a review of this importance. We will write more about this in our next newsletter.



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#### Latest Tweets

*Openness and transparency are important goals for the Parole Board, but so is the opportunity for rehabilitated prisoners, to return to society to be able to live a life free of unnecessary intrusion and vigilantism.*

*Can we talk about the number of people with mental health problems who are in prisons and should not be there? Better still can we do something about it?*

*It is high time this issue [Sex Offender Treatment Programs] entered the debate [in parliament]. We are amazed it hasn't attracted much more attention.*



#### Prison Law Free Help & Advice UK – SL5 Legal - For prisoners on licence and prisoners' families.

Do you have a family member or friend who would like answers to questions about Prison Law, Parole or Judicial Review? Tell them about our group, it's free. We aim to answer as many questions as we can. These are posted on our Facebook group page.

### Case of the Month – Parole (Lisa Burton)

I originally met Mr H around 4 years ago. He is an IPP prisoner and his tariff had expired. I discovered that 'due to an administrative oversight' his case had never been reviewed by the Parole Board. I helped him to get an oral hearing and compensation for the extensive delay to his review.

He felt lost in the system and hopeless about his situation. There was no clear plan in place to move him forward. He wasn't ready for progression or release at that hearing but I negotiated with prison and probation staff to make sure a plan for progression was set out for him.

I stayed in touch with him and his Offender Manager after the hearing to make sure that the plan discussed at his hearing was carried through. Although there were a few hiccups along the way, he worked through these and made good progress in a closed prison. This meant that we were able to make an application for release directly from closed conditions at his next hearing.

I was delighted to get his decision letter confirming that he was to be released.