

Amendment to the Prison Rules 1999 and YOI Rules 2000 - Rule 53B

Prisons with outstanding Independent Adjudicator (IA) referrals, will have received an email from the Chief Magistrate this week returning these charges back to the prison for action. The amendment to the Prison and YOI Rules provides adjudicating governors with a route to managing the returned charges.

Last week we asked you to take no action until we could provide guidance on the review process. We are now able to provide this, and for your ease we have attached a colour and black and white copy of the process map which takes you through the stepped process for managing the returned charges. Also attached is Template A and B, which should be used for informing the prisoner at the appropriate stages (please refer to the process map). It is imperative that prisoners are kept updated on the review stages.

[Process Map link colour \(please print\)](#)

[Process Map B&W \(please print\)](#)

[Template A link \(please print\)](#)

[Template B link \(please print\)](#)

The review process must be completed **within 14 days** of the Chief Magistrate returning the charges. The 14 days start from the date on the letter from the Chief Magistrate which was sent to all prisons on Tuesday 26 May, therefore we would ask you to urgently complete the review steps to avoid any unnecessary dismissal of charges or potential for challenge. It has also come to our attention that not all segregation staff are aware of adjudication updates, governors should ensure this message reaches all relevant staff involved.

The review must be conducted by a governor experienced and trained in adjudications but the prisoner is not required to be present for any aspect of the paper review. Prisons must keep a record of the outcomes from the review of returned charges i.e. dismissal, manage at governor adjudication level or re-referred to the IA, as you will be asked for this management information at a later date.

If you need advice on any aspect of the review please contact Operational_policy1@justice.gov.uk.

Virtual Independent Adjudicator Hearings

A finite number of laptops reserved for IA hearings have been sent to your regional command areas so that IA hearings can shortly resume. These will take place using Virtual Meeting Rooms (VMR) and guidance on how to host virtual IA hearings will be sent to prisons in due course. We are currently working with your regional command and the Chief Magistrate to iron out the logistics of restarting these hearings. Further updates to follow.