

[2024] PBRA 121**Application for Reconsideration by Hawkins****Application**

1. This is an application by Hawkins (the Applicant) for reconsideration of a decision of a panel dated 16 May 2024 (the Decision) to make no direction for the release of the Applicant after an oral hearing held on 14 May 2024.
2. Rule 28(1) of the Parole Board Rules 2019 (as amended by the Parole Board (Amendment) Rules 2022) (the Parole Board Rules) provides that applications for reconsideration may be made in eligible cases (as set out in rule 28(2)) either on the basis (a) that the decision contains an error of law, (b) that it is irrational and/or (c) that it is procedurally unfair. This is an eligible case, and the application was made in time.
3. I have considered the application on the papers. These are the oral hearing decision, the application for reconsideration dated 6 June 2024, the email dated 12 June 2024 from the Public Protection Casework Section (PPCS) on behalf of the Secretary of State to the Parole Board stating that no representations would be made in response to the application for reconsideration and the dossier comprising 434 pages.

Request for Reconsideration

4. The application for reconsideration is dated 6 June 2024.
5. The grounds for seeking a reconsideration are that the Decision of the Panel was irrational because:
 - a) the Applicant has completed comprehensive core risk reduction during the completion of Kaizen, a program which supports high or very high-risk adult men to develop the optimism and skills to strengthen their pro-social identity and plan for a life free of offending, and bespoke 1-1 psychology work and he had been able to discuss with professionals the issues that were present in advance of his offending but no further formal interventions for the Applicant were then identified (Ground 1);
 - b) the panel incorrectly concluded that the Applicant should remain in custody to complete consolidation work even though his risk had sufficiently reduced since his sentencing as was evidenced by his meaningful engagement with

risk reduction work and by his Community Offender Manager (COM) stating that the Applicant's risk was not imminent (Ground 2);

- c) the panel irrationally favoured the official account of events and official assessments of risk over the case advanced by the Applicant (Ground 3);
- d) the Applicant has been open and honest with professionals and the decision is irrational in relying on witness concerns about the Applicant's levels of openness and honesty (Ground 4);
- e) the decision was irrational as the panel did not give proper weight to the fact that consolidation work for the Applicant could be completed by the Applicant in the community and that he is unlikely to complete any period of Release on Temporary Licence (ROTL) before his conditional release date of November 2024 and the consolidation work could be completed in the community as opposed to custody such as through New Me MOT which the COM could deliver (Ground 5);
- f) the COM advised that the Applicant's risks would not be imminent until or unless he engaged in a relationship and the Applicant stated in oral evidence that he did not wish "*imminently to enter a relationship with [his ex-partner] or any other person*" (Ground 6).

Background

- 6. On 14 April 2020, the Applicant, who was then 31 years old, received an extended determinate sentence comprising 5 years and 4 months in custody and a 3-year extended licence period for making threats to kill, causing criminal damage and committing an assault contrary to Section 47 on the Offences against the Person Act 1861 and Falsely Imprisoning another person.
- 7. The victim of the offences was the erstwhile partner of the Applicant. When the Applicant's partner wanted to leave the Applicant's home, where she had spent some nights, the Applicant's mood changed, and he assaulted the victim carrying out what the sentencing judge described as "*sustained attack over a number of hours*". During the attack, the victim was hit, kicked, struck with a heavy object, strangled and was told she was going to die.
- 8. The author of the Pre-Sentence Report considered that the Applicant had "*underlying pro criminal attitudes in relation to domestic abuse and the use of violence and aggressive [sic] to regain control of his partners.*" It was also pointed out in that report that the underlying motivations for the Applicant's offending were "*reckless and risk taking aggressive and violent behaviour, power and control issues, feelings of inadequacy in a relationship, financial problems and underlying hostile and pro criminal attitudes.*" When being interviewed for the Pre-Sentence Report (PSR), the Applicant blamed the victim and minimised and justified his behaviour.
- 9. The Applicant's antecedents and call out information relating to him showed what the Panel described as "*a pattern of behaviour relating to relationship issues and*

intimate partner violence across several relationships". The Panel therefore did not accept the contention that the index offences were *'one off'* offences.

10. The Applicant explained that he had developed a brain aneurysm in 2016 which affected his movement and memory and that in consequence he had to step down from his business. The Prison Commissioned Psychologist identified the Applicant's risk factors relevant to intimate partner violence (IPV) included general anti-social conduct, mental health, substance misuse and distorted thinking about IPV.

The Applicant's Time in Custody

11. The Applicant spent most of his sentence at Prison A where he completed Kaizen and had engaged in counselling sessions. The Applicant had initially been resistant to these programmes viewing them suspiciously as efforts to keep him in prison but having completed the work, he was positive on what he had gained from it. He believed that the counselling had been *"the most impactful and he had developed an understanding of the physical cues and signs of issues building up for him [and] he needed to meet his partner's needs and not just satisfy[sic] his own immediate needs"*.
12. The work completed by the Applicant was commented upon positively by the professional witnesses, but there remained the concerns explained by the Prison Commissioned Psychologist who referred to *"potential difficulties associated with [the Applicant] implementing skills when emotionally invested, specifically in familial and intimate relationships."*
13. No further interventions for the Applicant had been identified. With the exception of the Applicant's Prison Offender Manager (POM) who felt unable to comment on account of the limited time she had known the Applicant, all the professionals agreed that the Applicant needed to consolidate his learning and to demonstrate using the skills he had learned which may show a reduction in the risk posed by the Applicant to a level manageable within the community.
14. The Applicant's POM at Prison A considered the Applicant's time there to be broadly positive with a lack of violent and aggressive behaviour, but he had been reduced to Standard status for accruing several negative entries relating to his work. There had been a positive shift in the Applicant's confidence in the time when his POM worked with him. The Head of OMU as sufficiently satisfied with the Applicant's behaviour that he was transferred to open conditions at Prison B in April 2024. Since there, he has achieved Enhanced IEP status with no security concerns.
15. There were concerns about the Applicant's substance misuse while at Prison A which he admitted but which on occasions he had denied. The Applicant's COM explained his concerns that the Applicant *"masked"* his drug use to deceive professionals. The Applicant admitted to the Panel that he had used cannabis resin *"not long before his transfer"* to Prison B and that he had used it when in the community and he did not view this use as problematic. The Applicant told the Panel that in custody he had used a new psychoactive substance (NPS) what he had considered to be *"an unpredictable and potentially dangerous drug"*. The Panel *"were not clear that they fully understood the true motivation behind [the Applicant's] drug use or why he*

had not been entirely honest about it in the recent past". The Applicant had said that he had not intended to use it in the community but *"did not rule it out"*.

16. The Applicant's mental and emotional health was positive, but the Applicant's former POM had discussed with the Applicant his relationship and behaviour with [his ex-partner] who was a lady with whom the Applicant had been intimate prior to his incarceration. According to the Applicant's former COM he *"highlighted concerns that [the Applicant] in discussing [his relationship with his ex-partner] and his behaviour and responses to [his ex-partner], he had not evidenced deploying the skills he had learned, and he appeared to be doing what was 'best for him'".* There was *"a shared concern among the professional witnesses about potential risk to [his ex-partner] or any other developing relationship following release"*.
17. According to the Applicant, he had the support from his adoptive and birth families, with his adoptive family providing practical support while his biological father and sibling provide emotional support. He had plans for obtaining employment which would provide him with *"a sense of purpose and bolster his self-esteem"*. He hoped to speak to someone about a possible diagnosis of ADHD and ASD.
18. The Applicant considered that he had a positive relationship with his COM who he believed he could be open with.

Views of Professionals

19. All the professional witnesses, except for the Applicant's current POM, were of the opinion that the Applicant had completed sufficient core risk reduction work, but *"there needed to be consolidation and evidence of skills being used and the best venue for his would be in the open estate"*. The Panel agreed that the Applicant had *"some insight but it needed to be further developed"*. In relation to the Applicant's dealings with his partners, there appeared to the Panel to be *"a surface level acceptance that he needed to take them into account"*, as in the Panel's opinion the Applicant *"needs to demonstrate a wider understanding of his risk, demonstrating how he manages his risk, and consistently exemplifying his learning particularly with any new or developing relationships"*.
20. The Applicant's COM, Psychologist and previous POM all agreed that the Applicant should remain in open conditions, and they did not support his release while his present POM did not feel able to provide a recommendation.
21. The Applicant has not yet been released on temporary licence (ROTLs) as the safeguarding checks have been delayed and the Applicant has *"reportedly [been] indicating to his POM his uncertainty of interest in them"*. The COM hoped that the process of establishing ROTLs could be expedited. The former POM, the COM and the psychologist all consider that *"the benefit of ROTLs [was] as part of testing [the Applicant's] ability to manage his own risk and utilise the skills he has learned"*.

The risk posed by the Applicant

22. According to the Offender Assessment System (OASys) the Applicant falls within a group of male offenders who have a low probability of proven reoffending, a medium

probability of proven non-violent type offending and medium probability of proven violent offending. The Panel accepts these predictions as correct.

23. The COM considered that the Applicant posed a high risk of serious harm to the public, specifically future partners and a known adult like his former partner "*based on his antecedents and relevant identified behaviours*". He poses a medium risk of serious harm to children in the context of them witnessing IPV and a low risk of serious harm to staff. The Panel accepted these assessments in the absence of evidence to the contrary. The COM considered that the risk was not imminent, but this could change within the community should a relationship with [his ex-partner] resume or another relationship be established.
24. The psychologist and the COM referred to limited protective factors, but the witnesses referred to some positive developments such as the Applicant's intelligence, his ability to formulate goals, his developed insight into his risk factors and improved self-control, and his family support. I will refer to these matters as '*the Applicant's actual protective risk factors*'.
25. Other protective factors to be developed in the future could include (if they were to be established) the Applicant's realisation that having employment and keeping busy would improve his self-esteem and reduce a potential area of risk he had identified, evidence of consolidation of skills he has learned, evidence of appropriately managing inter-personal skills, evidence of maintained abstinence from substances and evidence of being consistently open with his COM about all facets of his life (including substances and relationships). These factors will be referred to as '*the Applicant's possible future possible risk factors*'.
26. The Risk Management Plan (RMP) and licence conditions were produced, and they included provisions for monitoring risk factors such as relationships and substance misuse. There was some belief that the Applicant could comply with those conditions, but they are "*contingent on his openness and honest which have yet to be tested in the community*". So, it was concluded that the Applicant "*needs to safely demonstrate he can use the skills he has learned and manage his own risk, the Panel were of the view that [his] risk would not be manageable in the community at this time*".

Conclusion of the Panel

27. The Panel explained that it considered with care the information in the dossier, the evidence at the hearing, the representations made at the hearing on the Applicant's behalf that he could be safely released focussing on his positive progress and the support available to him as well as the fact that the Panel was not bound to accept the conclusions of the witnesses. The Panel also took account of the Applicant's actual protective risk factors and the Applicant's possible future risk factors.
28. It was recorded by the Panel that the Applicant had engaged well with them answering difficult questions and showing some reflection on the circumstances which led to his review. The Panel noted that the Applicant appeared to be honest about his substance misuse in custody providing information which the Panel would not have otherwise known. He explained how he wanted his life to be in the community focusing on family, on employment and keeping positively busy. It was

noted that there was no evidence of violence or aggression on the Applicant's part in custody. In addition, he had obtained Enhanced status at Prison B and had not accrued any adjudications.

29. Nevertheless, the Panel remained concerned that the Applicant had not demonstrated his use of the skills he had learned in custody and also that the Applicant's risks "*could potentially escalate should [the Applicant] resume a relationship with [his ex-partner] or enter a new relationship*". So, the Panel concluded that the Applicant's risk would not be manageable in the community at the time of the hearing and therefore did not direct release.

30. The reasons why the Panel did not direct release were that:

- (a) the index offence was described by the sentencing Judge as "*a sustained attack over a number of hours*" by the Applicant on his erstwhile partner who the Applicant had hit, kicked, struck with a heavy object, strangled and told she was going to die;
- (b) the Applicant's antecedents and call out information showed what the Panel described as "*a pattern of behaviour relating to relationship issues and intimate partner violence across several relationships*". The Panel therefore did not accept the contention that the index offences were "*one off*" offences. (The Decision does not state who was responsible for the contention);
- (c) there had been discussions with the Applicant about his relationship and behaviour with [his ex-partner] who was a lady with whom the Applicant had been intimate prior to his incarceration. According to the Applicant's former COM he "*highlighted concerns that [the Applicant] in discussing [his relationship with his ex-partner] and his behaviour and responses to [his ex-partner], he had not evidenced deploying the skills he had learned, and he appeared to be doing what was 'best for him'*". There was "*a shared concern among the professional witnesses about potential risk to [his ex-partner] or any other developing relationship following release*". There were concerns explained by the Prison Commissioned Psychologist who referred to "*potential relationship difficulties associated with [the Applicant] implementing skills when emotionally invested, specifically in familial and intimate relationships*";
- (d) the COM considered that the Applicant posed a high risk of serious harm to children who witnessed IPV. The COM considered that the risk was not imminent, but this could change within the community should the Applicant's relationship with [his ex-partner] resume or should another relationship be established by the Applicant;
- (e) the Panel had some belief that the Applicant could comply with the RMP and the licence conditions for his release which included provisions for monitoring risk factors such as relationships and substance misuse, but crucially they are "*contingent on his openness and honesty which have yet to be tested in the community.*";
- (f) the Panel remained concerned that the Applicant had not demonstrated in the community his use of the skills he had learned in custody and also that

the Applicant's risks "*could potentially escalate should [the Applicant] resume a relationship with [his ex-partner] or enter a new relationship*"; and

- (g) therefore, the Panel was entitled to conclude that they could not be satisfied that the Applicant's risk would be manageable in the community and so release could not be directed.

These factors will hereinafter be referred to as '*the Reasons for the Panel's Decision*'.

The Relevant Law

31. The Panel correctly sets out in its decision letter dated 16 May 2024 the test for release and the issues to be addressed in making a recommendation to the Secretary of State for a progressive move to open conditions.

Parole Board Rules 2019 (as amended)

32. Rule 28(1) of the Parole Board Rules provides the types of decision which are eligible for reconsideration. Decisions concerning whether the prisoner is or is not suitable for release on licence are eligible for reconsideration whether made by a paper panel (rule 19(1)(a) or (b)) or by an oral hearing panel after an oral hearing (rule 25(1)) or by an oral hearing panel which makes the decision on the papers (rule 21(7)). Decisions concerning the termination, amendment, or dismissal of an IPP licence are also eligible for reconsideration (rule 31(6) or rule 31(6A)).
33. Rule 28(2) of the Parole Board Rules provides the sentence types which are eligible for reconsideration. These are indeterminate sentences (rule 28(2)(a)), extended sentences (rule 28(2)(b)), certain types of determinate sentence subject to initial release by the Parole Board (rule 28(2)(c)) and serious terrorism sentences (rule 28(2)(d)).

Irrationality

34. The power of the courts to interfere with a decision of a competent tribunal on the ground of irrationality was defined in **Associated Provincial Houses Ltd -v- Wednesbury Corporation** [1948] 1 KB 223 by Lord Greene in these words "*if a decision on a competent matter is so unreasonable that no reasonable authority could ever have come to it, then the courts can interfere*". The same test applies to a reconsideration panel when determining an application on the basis of irrationality.
35. In **R(DSD and others) -v- the Parole Board** [2018] EWHC 694 (Admin) a Divisional Court applied this test to parole board hearings in these words at para 116 "*the issue is whether the release decision was so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.*"
36. In **R(on the application of Wells) -v- Parole Board** [2019] EWHC 2710 (Admin) set out what he described as a more nuanced approach in modern public law which was "*to test the decision maker's ultimate conclusion against the evidence before it*

and to ask whether the conclusion can (with due deference and with regard to the Panel's expertise) be safely justified on the basis of that evidence, particularly in a context where anxious scrutiny needs to be applied)". This test was adopted by a Divisional Court in the case of **R(on the application of the Secretary of State for Justice) -v- the Parole Board** [2022] EWHC 1282(Admin).

37. As was made clear by Saini J this is not a different test to the **Wednesbury** test. The interpretation of and application of the Wednesbury test in Parole hearings as explained in **DSD** was binding on Saini J and on me for the present decision.
38. There are four important principles to bear in mind in considering an application for reconsideration on grounds of irrationality. First, panels of the Parole Board are not obliged to adopt the opinions and recommendations of professional witnesses. It is their responsibility to make their own risk assessments and to evaluate the likely effectiveness of any risk management plan proposed. They must make up their own minds on the totality of the evidence that they hear, including any evidence from the Applicant. They would be failing in their duty to protect the public from serious harm (while also protecting the prisoner from unnecessary incarceration) if they failed to do just that.
39. Second, in many cases there are several different decisions which a panel could be entitled to reach without any of them being irrational.
40. Third, where a panel arrives at a conclusion, exercising its judgement based on the evidence before it and having regard to the fact that they saw and heard the witnesses, it would be inappropriate to direct that the decision be reconsidered unless it is manifestly obvious that there are compelling reasons for interfering with the decision of the Panel.
41. Fourth, deference is due to the expertise of panels and the Reconsideration Mechanism is not a process whereby the judgement of a panel when assessing risk can be lightly interfered with. Nor is it a mechanism where I should be expected to substitute my view of the facts as found by the Panel, unless, of course, it is manifestly obvious that there was an error of fact of an egregious nature which can be shown to have directly contributed to the conclusion arrived at by the Panel.
42. It follows from those principles that in considering an application for reconsideration the reconsideration panel will not substitute its view of the evidence for that of the Panel who heard the witnesses.

The reply on behalf of the Secretary of State

43. In an email dated 12 June 2024 from PPCS on behalf of the Secretary of State to the Parole Board stating that no representations would be made in response to the application for reconsideration.

Discussion

Ground 1

44. This Ground is that the Applicant has completed comprehensive core risk reduction during the completion of Kaizen and bespoke 1-1 psychology work and he had been able to discuss with professionals the issues that were present in advance of his offending, but no further formal interventions for the Applicant were then identified.
45. The reason why the Panel did not order the release of the Applicant was not because further interventions were or are still required, but for a completely different reason.
46. That different reason for not ordering release was that the Panel had concluded that the Applicant still needed and still needs to demonstrate that he could use in the community the skills he had learnt in custody in particular if the Applicant resumed a relationship with [his ex-partner] or if he started a relationship with someone else. Therefore, the Panel was entitled not to direct release as the *"Applicant's openness and honesty which have yet to be tested in the community"*.
47. The Panel was quite entitled to take that stance in the light of the index offence and also the important fact that the Applicant had demonstrated what the Panel described as *"a pattern of behaviour relating to relationship issues and intimate partner violence across several relationships"*. This ground must therefore be rejected.

Ground 2

48. This Ground is that the Panel incorrectly concluded that the Applicant should remain in custody to complete consolidation work even though his risk had sufficiently reduced since his sentencing as was evidenced by his meaningful engagement with risk reduction work and by his Community Offender Manager (COM) stating that the Applicant's risk was not imminent.
49. This Ground cannot be accepted as it fails to appreciate that the COM considered that the Applicant still posed a high risk of serious harm to the public, specifically future partners and a known adult like his former partner, *"based on his antecedents and relevant identified behaviours"*. He posed a medium risk of serious harm to children in the context of them witnessing IPV. The Panel was entitled to accept these assessments in the absence of evidence to the contrary. The COM considered that the risk was not imminent, but crucially he concluded that this could change within the community should a relationship with [his ex-partner] resume or another relationship be established. So further investigation was required so as to ensure that the Applicant had not resumed a relationship with [his ex-partner] or start another relationship in the community or has not done so.
50. A further or alternative reason why this ground has to be rejected is that the Panel had concluded that the Applicant still needed to demonstrate that he could use in the community the skill he had learnt in particular if the Applicant resumed a relationship with [his ex-partner] or if he entered a new relationship. The Panel was quite entitled to adopt this approach in the light of the index offence and also the fact that in his relationships with [his ex-partner] and others the Applicant had demonstrated *"a pattern of behaviour relating to relationship issues and intimate partner violence across several relationships [and] the Applicant's openness and honesty which have yet to be tested in the community."*

Ground 3

51. This Ground is that the Panel irrationally favoured the official account of events and official assessments of risk over the case advanced by the Applicant.
52. This ground fails to appreciate that the Panel was entitled to decide that it should refuse to release the Applicant for the reasons set out in paragraph 30 in the Reasons for the Panel's Decision and/or because of his relationship with [his ex-partner] and his other past partners which demonstrated "*a pattern of behaviour relating to relationship issues and intimate partner violence across several relationships*". Further no compelling or any reason has been put forward to show that the Panel was not entitled to reach that decision and so, this ground cannot be accepted.

Ground 4

53. This Ground is that the Applicant has been open and honest with professionals and the decision is irrational in relying on witness concerns about the Applicant's levels of openness and honesty.
54. The Panel was entitled to be concerned and remain concerned in the light of the Applicant's "*pattern ...of intimate partner violence*" as to how the Applicant would conduct himself in the future if he resumed a relationship with [his ex-partner] or if he entered into a new relationship. There was much uncertainty about this because the Applicant still needed and still needs to demonstrate that he could use in the community the skills he had learnt, in particular if the Applicant resumed a relationship with [his ex-partner] or if he entered a new relationship. The crucial factor is that the "*Applicant's openness and honesty ... have yet to be tested in the community*". The Panel was entitled to refuse to release the Applicant until that testing was completed.

55. Therefore, I cannot accept this Ground.

Ground 5

56. This ground is that the decision was irrational as the Panel did not give proper weight to the fact that consolidation work for the Applicant could be completed by the Applicant in the community, that he is unlikely to complete any period of ROTL before his conditional release date of November 2024 and that the consolidation work could be completed in the community as opposed to custody (such as through New Me MOT) which the COM could deliver in the community.
57. This ground cannot be accepted as the Panel was entitled and/or obliged to conclude that the Applicant could not be safely released now as he is required to do consolidation work in the community in the light of the Applicant's history of a "*pattern ...of intimate partner violence*" and also the fact that he had not demonstrated in the community his use of the skills he had learned in custody especially as his risks "*could potentially escalate should [the Applicant] resume a relationship with SD or enter a new relationship.*"
58. The issue for the Panel was to ascertain if and when the Applicant could be safely released at or close to the date of the Panel's decision and so the fact that he was

unlikely to complete any period of ROTLs before his conditional release date of November 2024 did not mean it was irrational for the Panel to refuse to release the Applicant in the Decision under challenge as he could not be safely released at or close to the time of the Decision. For the avoidance of doubt, the Panel was not responsible for the provision of ROTLs as its function was to decide if the Applicant could be safely released.

Ground 6

59. This ground is that the COM advised that the Applicant's risks would not be imminent until or unless he engaged in a relationship and the Applicant stated in oral evidence that he did not wish "*imminently to enter a relationship with [his ex-partner] or any other person*".

60. This ground cannot be accepted as the Panel was entitled to be concerned about the danger that would be posed if the Applicant entered into a relationship with [his ex-partner] or any other person as:

- (a) the Applicant's openness and honesty had not as at the date of the decision been tested in the community and the Panel was entitled to agree with the Applicant's former COM who "*highlighted concerns that [the Applicant] in discussing [his relationship with [his ex-partner]] and his behaviour and responses to [his ex-partner], he had not evidenced deploying the skills he had learned, and he appeared to be doing what was 'best for him'*";
- (b) there was "*a shared concern among the professional witnesses about potential risk to [his ex-partner] or any other developing relationship following release*"; and
- (c) in any event the Applicant only stated that he did not wish "*imminently*" to enter into a relationship with [his ex-partner] or any other person, but significantly the Applicant did not rule out entering into a relationship with [his ex-partner] or any other person at any other time in the future. The Panel was obliged to consider the risk posed by the Applicant in the future and not just the risk posed imminently and therefore was entitled to refuse to release the Applicant.

Conclusions on the Grounds of Irrationality

61. For the reasons I have given, each of the claims of irrationality must be rejected and there are also further or alternative reasons for rejecting each of the 6 grounds set out above. Those further or alternative reasons are that:

- (a) when, as in this case, a panel has exercised its judgement based on the evidence before it and having regard to the fact that the Panel members had seen and heard the witnesses, it would be inappropriate to direct that the decision be reconsidered unless it is manifestly obvious that there are compelling reasons for interfering with the decision of the Panel, but no such compelling reasons have been adduced, let alone established in respect of any of the Applicant's grounds; and/or

- (b) deference is due to the expertise of the Panel in this case and the Reconsideration Mechanism is not a process whereby the judgement of a panel when assessing risk can be lightly interfered with. Nor is it a mechanism where I should be expected to substitute my view of the facts as found by the Panel, unless, of course, it is manifestly obvious that there was an error of fact of an egregious nature which can be shown to have directly contributed to the conclusion arrived at by the Panel. No such errors of fact or law of an egregious nature have been adduced, let alone established for rejecting any of the grounds.

Decision

62. For the reasons I have given, I do not consider that the decision was irrational as the Panel was entitled to conclude that release could not be directed. Accordingly, the application for reconsideration is refused.

Sir Stephen Silber

01 July 2024