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## The decision-making process at parole reviews (indeterminate imprisonment for public protection sentences)

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Research was undertaken by the Ministry of Justice and the Parole Board on the decision-making process at parole reviews of indeterminate sentence prisoners. It involved the analysis of data collected from parole dossiers (used at parole reviews) and from interviews with Parole Board members. This summary presents high-level initial findings for prisoners serving indeterminate sentences of Imprisonment for Public Protection (IPP). A statistical analysis of data from 255 dossiers, and thematic analysis of 20 interviews with Parole Board members are presented. The number of interviews was small, and while respondents were carefully selected to reflect a range of experience they cannot be assumed to be statistically representative of Parole Board members as a whole.

### Key points

- The parole decision often coincides with the recommendations from professional witnesses given to the panel. Around 90% of IPP prisoners released had a release recommendation from a professional witness.
- Offenders released on parole demonstrated progress during their sentence. For example, they completed programmes appropriate to the offence (or the offender's needs). Parole Board members highlighted the importance of ensuring that programmes tackle the motivation behind the offence, as well as the offence they committed.
- Offenders released on parole tended not to have drugs and accommodation issues documented in the parole decision letter, they had a robust risk management plan, and they had often been in open conditions or previously released on temporary licence.
- All Parole Board members interviewed for this study thought that indeterminate sentence prisoners benefit greatly from spending time in an open prison.
- The proportions of offenders with high and very high reoffending risk ratings were higher in the groups that did not progress. There was no formal, statistically significant correlation between reoffending risk or any other risk rating and parole outcomes. Because of the way the sample was stratified, it was not possible to assess the impact of risk scores and ratings on the likelihood of release.
- Some Parole Board members spoke of their concerns over what they considered were constraints on available resources within the prison and probation system: the lack of programmes relevant to the needs of individual prisoners and approved premises places for prisoners once released. Resource constraints were also seen as a factor preventing offender managers travelling to prisons to visit prisoners.
- Parole review panel members highlighted the need to ensure the most efficient procedures were in place to identify and tackle prisoners' risks and needs.
- Parole Board members were generally satisfied with the quality and content of parole review dossiers.

## Introduction

Indeterminate sentences of Imprisonment for Public Protection (IPP) for certain violent or sexual offences were created by the Criminal Justice Act 2003<sup>1</sup> and implemented for offences committed after 4 April 2005. The aim was to create a sentence that would allow for the indefinite detention of offenders deemed to be dangerous by the courts, but whose offence was not serious enough to merit a life sentence. IPPs operate in a very similar way to life sentences. The court must set a tariff, which reflects the seriousness of the crime. Only after the tariff has expired must the Parole Board consider them for release on a regular basis; the period between reviews is usually between 18 months and two years. If released, the offender will be on licence for at least 10 years. In 2008, reforms were introduced<sup>2</sup> so that an IPP could only be given either if the offence merits a minimum term of at least two years, or the defendant had a previous conviction for a particularly serious violent or sexual offence (listed in Schedule 15A to the 2003 Act).

### The parole process for indeterminate sentences

Before a parole decision can be made, a dossier is prepared and looked at by a member of the Parole Board. At this stage, the member will decide whether the case can be dealt with based on the papers or if an oral hearing is required. A case can usually be decided on the papers if there is no realistic prospect of a recommendation of a move to open conditions or release, and no prospect that an oral hearing could lead to a different outcome. The decision will generally result in no change for the prisoner. If a paper decision is issued, the offender has the opportunity to request an oral hearing. A case will always be heard orally if live evidence is required (disputed facts or assessments of risk) or if there is the prospect of a recommendation of open conditions or release. The same dossier will be used for oral hearings, plus any additional documents requested before the hearing date.

Oral hearings normally take place at the prison in which the lifer or IPP prisoner is held. Lifer hearings will be chaired by a judge; IPP hearings can be chaired either by a judge or by any Parole Board member who is an accredited IPP chair. Where the circumstances of the case warrant it, the panel will include a psychiatrist or psychologist. The third member will be an independent or probation Parole Board member. Hearings are held in private but the chair of the panel may allow others to observe.

The chair has wide discretion over how the hearing is conducted. Although the panel has a judicial role, it will try to keep the proceedings informal. The usual procedure is for the chair to give their opening remarks to the prisoner, introducing all the participants and outlining how the hearing will proceed. The Secretary of State's and the prisoners' representatives are then asked for their views on what the outcome of the case should be. Evidence from witnesses (not on oath) is then heard followed by summing up; the prisoner's representative has the final word.

If the panel is satisfied that it has all the evidence it needs, the participants may leave and the Panel will deliberate and make its decision. A decision may be taken by a majority but will be presented as a decision of the entire Panel. Parties are notified in writing. Although the Parole Board can direct the release of a prisoner, a move to open conditions is made as a recommendation to the Secretary of State.

## Context

The prison population in England and Wales has been rising steadily since the end of the Second World War and this increase has become more marked over the past 20 years. Since 1993, the prison population has increased on average by 4% each year. Coupled with this, the release rates for people serving life imprisonment (lifers) and IPPs are very low (the release rate for lifers was 15% and 6% for IPPs in 2010/2011).<sup>3</sup> The Ministry of Justice, together with the Parole Board, commissioned this research to understand what is influencing decisions at parole reviews for lifers and IPPs.

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<sup>1</sup> Criminal Justice Act 2003 c.44 Part 12 Chapter 5 Dangerous Offenders SS.224–236.

<sup>2</sup> Criminal Justice and Immigration Act 2008 c.4 SS.13–14. Some of the offenders in the database were sentenced before 2008, and have tariffs of less than two years.

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<sup>3</sup> The Parole Board. (2011). *Annual Report and Accounts 2010/11*. London: Parole Board. [www.justice.gov.uk/publications/corporate-reports/parole-board/index.htm](http://www.justice.gov.uk/publications/corporate-reports/parole-board/index.htm)

The Ministry of Justice Structural Reform Plan<sup>4</sup> published in July 2010 set out a commitment to conduct a review of sentencing policy. In December 2010, a consultation (green paper) called 'Breaking the cycle: Effective punishment, rehabilitation and sentencing of offenders'<sup>5</sup> was published. In order to deliver the reforms detailed in the government responses to the green paper, the Legal Aid, Sentencing and Punishment of Offenders Bill was introduced to Parliament on 21 June 2011.

As part of the sentencing reforms, the Prime Minister announced an urgent government review of IPPs, with a view to replacing the current IPP regime with a much tougher determinate sentencing framework.<sup>6</sup>

### Research aim

The Ministry of Justice and the Parole Board undertook research to investigate the decision-making process and consideration of prisoners for release on parole from indeterminate sentences. It is anticipated that this research will contribute to the development of policy relating to IPPs. The research will also help the Parole Board to examine and refine its policies and procedures relating to parole reviews of indeterminate sentences.

The research project was designed to address the following research questions:

- What drives a parole review decision to release indeterminate sentence prisoners?
- Which drivers are likely to have the biggest influence, and which can we do something about?
- What are the barriers to release at parole reviews?
- Is there any additional information which would be helpful to a review panel?

The research project used two methods of data collection to obtain the required information on the decision-making process:

- Compilation of a database using parole review dossiers;
- Interviews with parole review members.

### Database

A database was compiled from Parole Board case files that encompassed both key aspects of the offenders considered for review and details of the decision-making process. Data were extracted from case files by specialist contractors,<sup>7</sup> and the analysis was performed by Ministry of Justice analysts.

The database includes 255 parole dossiers for IPP reviews sampled from an available pool of 2,766 cases — all parole reviews for lifers and IPP prisoners between 1 September 2010 and 29 March 2011 (dossiers are retained by the Parole Board for nine months). It was known that there would be very few women and very few releases in the sample. Therefore the sample was stratified,<sup>8</sup> and women and releases were over-sampled to include all available dossiers. As far as possible, within the non-release category, an even split was attempted between moves to open conditions and those remaining in current location; within the no change cases, there was an even split between paper and oral reviews. In total, 255 IPP cases were included in the final dataset, as summarised in Table 1. Data from 247 lifer dossiers were also collected, but not included in any of the analysis presented here.

**Table 1 Completed numbers of IPP dossiers reviewed**

Outcome	Male	Female
Release	82	4
Move to open	78	4
No change (oral)	36	5
No change (paper)	38	8
<b>Total</b>	<b>234</b>	<b>21</b>

Because the sample was stratified and releases over-sampled, it was not possible to estimate release probabilities. However, without this method of selecting the sample, we would have very few releases, which would mean that it was not possible to investigate the characteristics of prisoners released and release decisions. Despite collecting

<sup>4</sup> Ministry of Justice. (Jun 2010). *Draft structural reform plan*. London: Ministry of Justice. [www.justice.gov.uk/publications/corporate-reports/moj/2010/structural-reform-plan/index.htm](http://www.justice.gov.uk/publications/corporate-reports/moj/2010/structural-reform-plan/index.htm)

<sup>5</sup> Ministry of Justice. (2010). *Breaking the cycle: Effective punishment, rehabilitation and sentencing of offenders* (Cm 7972). London: Her Majesty's Stationery Office.

<sup>6</sup> Hansard HC Deb 21 Jun 2011 vol 530 cc9WS–10WS.

<sup>7</sup> IPSOS Mori.

<sup>8</sup> In this study we required each subpopulation (male lifer release, female IPP no change, etc.) to be as representative of that subpopulation as possible.

all available data for women offenders, the sample was too small for reliable statistical analysis, and has been excluded from the analysis presented in this summary. Although the samples for men in each subgroup are representative of that subpopulation, because of stratification, the total sample in the database is not representative of the total population of IPP cases as a whole.<sup>9</sup> This does not affect the types of statistical analyses reported here.

A brief summary of the specific data collected is in the appendix.

## Interviews

The second phase of the study consisted of telephone semi-structured interviews with parole review panel members.<sup>10</sup> A mixture of convenience and purposive sampling was used to gather the interviewees. Purposive sampling was used to ensure the interview sample covered the three types of panel members that make up the 250 Parole Board panel members (total sample = 20 interviewees: 5 judges, 10 independent members and 5 psychologists or psychiatrists), and that they had experience of IPP and lifer review panels. Convenience sampling occurred as MoJ relied on panel members to volunteer to be interviewed.

The areas covered in the Parole Board member interviews are described in the appendix. These areas were chosen to fill evidence gaps and add further evidence to that derived from the database. Thematic analysis was used and key findings were extracted.

The number of interviews was small, and while respondents were carefully selected to reflect a range of experience, they cannot be assumed to be representative of Parole Board members as a whole. However, the interviews were important in shedding light on aspects of the decision-making process that cannot be directly extracted from paper records. Once the qualitative data were analysed, they were triangulated with results from the database to address the research questions.

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<sup>9</sup> The true numbers of each subgroup in the whole population of IPP cases are not known. This means it is not possible to weight the data in the database to make them representative of the population of IPP cases as a whole.

<sup>10</sup> One interview was carried out with a parole member face-to-face.

## Findings

### Recommendations to the panel

Professional witnesses submit evidence on the prisoner's progress and their recommendation of parole outcome. Professional witnesses can include offender managers, offender supervisors and psychologists.

The National Offender Management Service Offender Management Model defines the role of offender manager<sup>11</sup> to have responsibility for making discretionary decisions about how to manage individual offenders; for example, they prepare a sentence plan. The offender manager will always be based in the community. During the middle phase of long term imprisonment, frequent face-to-face work by the offender manager is unlikely to be either feasible or necessary. The model provides a framework within which an offender supervisor will work with the offender in custody, promoting compliance, monitoring progress and holding formal reviews with the offender manager at appropriate intervals.

Psychiatrist or psychologist reports may be provided at the request of the offender manager, the Parole Board or the offender.

The most clear-cut and statistically significant result<sup>12</sup> of the analysis of the database was that the parole decision often coincides with the professional witnesses' recommendations. This appears to show a shared view of who should be released. Around 90% of IPP prisoners released had a release recommendation.

For the sample of released offenders:

- 89% had a release recommendation;
- In 9% of cases the recommendation was a move to open conditions, and in 1%<sup>13</sup> it was to remain in closed.

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<sup>11</sup> Including the statutory role and authority of 'responsible officer' as defined in the Criminal Justice Act 2003 SS197-198.

<sup>12</sup> In an analysis of the database, Cramér's *V* statistic (Cramér, H. (1946). *Mathematical methods of statistics*. Princeton USA: Princeton University Press) indicated a high degree of association between recommendations and the outcome of parole reviews. The sample within each subgroup (release, etc.) is taken to be representative of that subgroup.

<sup>13</sup> Rounding of the individual percentages means that they may not sum to 100%.

For the sample of offenders moved to open conditions:

- 88% were recommended for a move to open conditions;
- In 19% of cases the recommendation was for release, and in 4% it was to remain in closed.

For the sample of offenders who remained in closed conditions:

- 76% were recommended to stay in closed conditions;
- In 21% of cases the recommendation was for a move to open conditions, and in 3% it was for release.

The proportions given here were for offender manager recommendations, but the proportions were very similar using offender supervisor recommendations and using psychiatrist recommendations (for releases, the only group with sufficient numbers to estimate proportions).

All offenders had a report from the offender manager and all except one dossier had an offender supervisor report, but there were very few psychiatrist or psychologist reports (50 with a clear recommendation, 19 in the released sample).

In this research, no investigation has been made of what happens if there are different recommendations for the same individual.

### Demonstration of change

Assessing evidence of progress during a sentence is one of the major aims of the parole process. As may be expected, the analysis of the database indicates that the most distinctive characteristics of prisoners released on parole are related to evidence of progress during their sentence. Two characteristics in particular are: positive demonstrations of change related to offending behaviour treatment programmes and time in open prison. These are discussed in more detail below.

Other characteristics in the database that were statistically related<sup>14</sup> to parole outcome were: not having drugs and accommodation issues documented in the parole decision letter (residency requirements are the most common licence requirement placed on offenders) and having a robust risk management plan (the panel gives weight to this). The sample of released offenders had higher proportions of violent offenders

(e.g. grievous bodily harm) and lower proportions of arson, rape or child sex offenders compared with the other samples.

**Table 2 Breakdown of outcomes by offence category**

	Violence	Sex	Other
Outcome: release	85%	10%	5%
Outcome: move to open	90%	6%	4%
Outcome: no change (oral)	69%	25%	6%
Outcome: no change (paper)	68%	29%	3%

Note that this table gives the proportions within outcome groups. It is correct to say that 10% of the release sample was sex offenders, but not that 10% of sex offenders were released. No estimate of the probability of release or any other outcome can be made for specific offence groups.

### Programmes

In the database, certain combinations of offence type and offending behaviour programme were strongly associated<sup>14</sup> with parole outcome – there was no association with any programme considered on its own, without controlling for the type of offence. This suggests that panels take into consideration only programmes they deem particularly appropriate for the offence (or the offender's needs). The results of the analysis are difficult to interpret in detail. The association of a particular programme and offence with parole outcome does not indicate how effective the programme might be.

Parole Board members highlighted in interviews the importance of ensuring that the programmes prisoners undertook were not just directly linked to the offence they committed, but the motivation behind the offence. One member pointed out the importance of both the offence and the factors influencing the offender, giving the example of an offence related to domestic violence indicating the need for a domestic violence programme.

When a prisoner completes a programme, the Parole Board members consider the impact of this programme on reducing risk. Panel members want to see evidence that the prisoners have understood and acted on what they have learnt. Parole Board

<sup>14</sup> Measured using Cramér's V statistic (*op. cit.*).

members examined post-programme reports, taking into account that reports are written to be positive and encouraging to the prisoner. The parole panel will examine reports of the behaviour of the prisoner since he or she completed the course in written reports and oral evidence from professional witnesses and the prisoner.

### Open prison

As may be expected, the analysis of the database shows that time spent successfully in open conditions or release on temporary licence<sup>15</sup> were strongly associated with release on parole licence. These are both intended to prepare prisoners for release. In interviews, Parole Board members were unanimous in the view that (the majority) of IPP and lifers benefit greatly from spending time in an open prison. It is seen as an opportunity to test the prisoner in a less structured environment to see how they cope when exposed to risks and potential temptations e.g. drugs or alcohol. Open prison also gives the prisoner greater opportunities to gain employment, further education and establish social networks with friends and family. Examining how the prisoner has performed during this period in open conditions is taken by the panel as an indication of the prisoner's potential behaviour if released.

There are occasions, however, when an IPP prisoner is released straight from closed conditions. Because the tariffs may be short, IPPs can be less at risk of institutionalisation and may therefore not need a gradual reintroduction back into society, one of the purposes of open conditions. Although there are a small number of examples of release direct from closed conditions in the database, it is not possible to generalise from the circumstances where this happened.

### Risk scores and ratings

Risk scores and ratings from Offender Assessment System (OASys) assessments were collected from parole dossiers where available. The results of the most recent risk assessment in the case file were entered into the database, as this is what panels have most easily available for consideration.

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<sup>15</sup> Release on temporary licence enables prisoners to participate in necessary activities outside prison that directly contribute to their resettlement into the community. There is a rigorous risk assessment for maintaining public safety and the public's confidence in the judicial system. (Prison Service Order 6300)

Risk scores and ratings identify static and dynamic<sup>16</sup> risk factors and generate summary scores in order to assess the likelihood of proven reoffending, the risk of serious harm and to prepare a sentence plan and risk management plan.

The proportions of high and very high OASys General Reoffending Predictor ratings (taken together<sup>17</sup>) were higher in the groups that did not progress than in those moved to open conditions, which in turn was higher than the group released. However, there was no formal statistical correlation between risk scores and ratings<sup>18</sup> and parole outcomes. There was no clear pattern in the proportions of medium and low ratings: for example, a significant proportion of those who did not progress had a low rating.

The proportions of high ratings for risk of serious harm to the public and to known adults were lowest in the group released, but some offenders with high ratings were released as the risk was deemed to be manageable. As with the reoffending ratings, there was no formal statistical association with parole outcome.

The other risk measures extracted from the OASys reports showed no discernable patterns, neither separately nor in combination. We cannot rule out possible associations that may become apparent with much larger samples. The time since the assessment made was not a statistically significant factor. It is possible that including the whole history of OASys assessments (to assess changes) might produce statistically significant results, but at present that information has not been collected.

Because of the way the sample was stratified, it was not possible to assess the impact of risk scores and ratings on the likelihood of release. A statistical technique that related the characteristics from the database to the likelihood of being in a particular

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<sup>16</sup> Reoffending risk factors are split into 'static' factors that cannot be changed (e.g. age, gender, criminal history) and 'dynamic' factors that can be changed (e.g. drug misuse, motivation to stop offending, attitudes to crime).

<sup>17</sup> There were very few 'very high' ratings.

<sup>18</sup> OASys General Reoffending Predictor, OASys Violence Predictor, OASys risk of serious harm (to public, to child and to known adult), Offender Group Reconviction Scale 2 and 3 (where they were available) were collected. Howard, P. (2009). *Improving the prediction of re-offending using the Offender Assessment System*. (Ministry of Justice Research Summary 2/09). London: Ministry of Justice.

outcome group<sup>19</sup> was used to investigate risk scores and ratings. The main results reinforce the finding of the correlation analysis (presented above) that the recommendation of the offender manager is strongly indicative of the parole outcome. However, one characteristic relating to risk scores and ratings was also significant in explaining the likelihood of parole outcome. Where the panel noted in their decision letter that they had considered that the risk scores and ratings counted against release, the offender was significantly more likely to be in a sample that did not progress. The statistically significant relationship with outcome is with the weight given to risk scores in the decision letter rather than the risk scores or ratings themselves. This indicates that the importance given to risk scores and ratings in parole reviews varies according to the individual circumstances of the offenders.

When panel members consider whether to release a prisoner, they consider what may be necessary for protection of the public. In interviews, Parole Board members said they consider whether the risk posed by the prisoner has been reduced; how remaining risk factors will be managed; and what negative and positive influences the offender will be exposed to if released. One member said that a prisoner who has shown good behaviour in prison and is released to a good support team, with a robust management plan and able to do more work in the community gives the panel confidence.

### Oral hearings

In any individual case, each decision about whether the case is suitable for an oral hearing is judicial by nature. It is judged on its own merits, and is informed by the Board's published Practice Guidance for Oral Hearings.<sup>20</sup> Nothing in this section should be read as detracting from those principles.

An oral hearing is normally carried out when there is a realistic prospect of a prisoner being released, moved to open conditions or where live evidence is required to assess the prisoner's level of risk. It is typically held 12–14 weeks after the initial review of

the dossier, and the same dossier will be used for the oral hearing, plus any additional information requested by the chair of the Parole Board panel.

The Parole Board members interviewed said they were generally satisfied with the quality and content of parole review dossiers that are used for oral hearings. However, because of the time it takes to compile reports from the various professional witnesses, and the time lapsed since the initial review of the dossier, the dossier information can be a few months old by the time the oral hearing takes place. In the time available before the oral hearing, up-to-date information on the prisoner may be requested from professional witnesses. Some Parole Board members felt there is room for improvement in terms of the organisation and structure of the dossier and the timeliness of the information.

In interviews, Parole Board members highlighted that they also consider that oral hearings, when considered appropriate, enable the panel to gather further information from the prisoner (not in the dossier) and to get a fuller impression of the prisoner's credibility. Those Parole Board members spoke of how the impression they had formed of a prisoner (based on the dossier contents alone), can in some cases be changed by the way the prisoner performs at an oral review hearing, both positively and negatively. They may need to look to see if the prisoner is giving genuine answers and not just reiterating a rehearsed answer they know the panel wants to hear. The prisoner may need to demonstrate at the oral hearing examples of change and a motivation to improve behaviour. During the research there was no evidence to suggest that a paper decision would have been changed if an oral hearing had been held. Paper decisions are normally made in cases where there is no realistic prospect of a recommendation of a move to open conditions or release and no prospect that an oral hearing could lead to a different outcome.

### Differences between IPP and lifer parole reviews

All Parole Board members interviewed said that they saw no difference in the way they treated IPP and lifer prisoners at parole reviews.<sup>21</sup> This is consistent

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<sup>19</sup> Logistic regression of the probability of being in the group who did not progress (paper or oral hearings) or moved to open conditions compared to being in the release group.

<sup>20</sup> The Parole Board (Jan 2011). *Practice Guidance for Oral Hearings*. London: Parole Board. [www.justice.gov.uk/downloads/guidance/prison-probation-and-rehabilitation/parole-board/Practice\\_guidance\\_for\\_oral\\_hearings.doc](http://www.justice.gov.uk/downloads/guidance/prison-probation-and-rehabilitation/parole-board/Practice_guidance_for_oral_hearings.doc)

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<sup>21</sup> No statistical tests of the difference between IPP and lifer data in the database have been calculated. At present, the lifer data has not been fully investigated.

with the policy and procedures of the Parole Board. They need to take the same approach to assessing risk factors and how the risk will be managed. Differences only emerge due to the length of the sentence served, and the offence committed, rather than the actual sentence type.

### **Barriers to the release of prisoners on parole**

In the interviews, Parole Board members were asked for their views on what influenced their decisions in parole reviews (see questions asked in the appendix). An apparent constraint on resources to help prisoners reduce their risks was a common theme among Parole Board members interviewed. Because the number of interviews was limited, these views may not be representative of most Parole Board members. Although these are the views of a limited number of Parole Board members, nothing in the database or the analyses completed to date contradict these views. The statistical findings relating to programmes and accommodation presented above support the views detailed below (programmes and approved premises).

### **Programmes**

Many of the Parole Board members interviewed felt strongly that at times suitable programmes were not available for prisoners. Courses may have long waiting lists or not be available in the right prison, a particular problem for IPPs on short tariffs. Examples were given of prisoners who were transferred to prisons to undertake programmes, and when transferred back to their 'home' prisons, post-programme work and development were not closely monitored. A need for greater flexibility in how programmes are facilitated was also highlighted by some Parole Board members. Some members expressed concerns that prisoners with special needs e.g. mental health issues or a learning disability, might not be able to gain full benefit from the traditional programme group-facilitation method, and instead would benefit from one-to-one work.

Some Parole Board members also suggested further research into the impact programmes have on the risks in the long term to ensure the most effective programmes were being targeted at the most relevant prisoners. One member spoke of the judgement they have to make about whether particular programmes could decrease risk, and suggested that robust research following people for years is needed to assess reductions in risk.

### **Approved premises**

In interviews, Parole Board members were asked about the sorts of cases where approved premises<sup>22</sup> are absolutely necessary for release. Those members considered that there was a lack of approved premises places for prisoners once released. Time in approved premises was seen by members as an important step for many prisoners released. It enables the prisoner to be introduced back into society, but with structure and support provided. However, a lack of approved premises may mean that a prisoner has to be classified as high risk to gain a place.

It is possible that Parole Board members and the National Offender Management Service have different views on the aims and purposes of approved premises. Approved Premises provide controlled accommodation for offenders under the supervision of the Probation Service. They provide a greater degree of supervision for offenders than is possible in other forms of housing.

### **Processes**

Resource constraints were also seen as a factor preventing offender managers from travelling to prisons to visit prisoners, according to some Parole Board members interviewed. They felt that the oral parole review may be the first time the offender manager meets the prisoner face-to-face. The parole assessment report prepared by the offender manager should be based on an interview with the prisoner, an up-to-date OASys assessment and any other necessary information. However, Parole Board members felt that offender managers can at times write reports for the dossier based on other professionals' experience and telephone conversations with the prisoner.

Some parole review panel members considered that when a recommendation has been made to progress a prisoner to open conditions, delays in the system can mean that the necessary stages cannot be completed before their next parole hearing. Some members gave examples such as that of a prisoner having to wait three to six months for a transfer to an open prison. They may then have to wait six months

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<sup>22</sup> Offender Management Act 2007 S13. Most approved premises are owned and managed by the National Probation Service; a small number are run by voluntary sector providers.



before full open conditions, after which they have to spend at least six months demonstrating their compliance with open conditions – a total of 15 to 18 months. The prisoner could be scheduled for another parole review before they have completed the necessary steps.

### ***Possible improvements to the system***

In the interviews, panel members were asked for their views on improvements they would like to see which would help the parole review panel progress a prisoner. An overarching theme was the need to ensure the most efficient procedures were in place to identify and tackle prisoners' risks and needs. Improvements suggested were focused around the availability of resources to help prisoners in and out of prison (programmes, approved premises, initiatives in the community), an improved evidence base for programmes and the organisation and timeliness of dossier.

### **Acknowledgements**

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## Appendix

### Summary of data collected (code frame)

The main sources for the data collected were the offender manager's report and the parole decision letter that summarises the parole decision

#### Prisoner details

Gender; type of prison; details of current and previous offences and sentence

#### Parole review decisions

Date, type and outcome of this and previous parole reviews; licence conditions and release arrangements (if released); further offending behaviour work recommended (if not released)

#### Evidence considered

Accredited and other courses completed; recommendations and key relevant information provided to the panel; outcome/success of any release on temporary licence; victim statement; work done to address problems or issues around resettlement pathways and action taken

#### Key risks identified

OASys risk scores and ratings (reconviction, serious harm, etc.); evidence of personality disorder; risk management plan

#### What the parole review gave weight to

Positive and negative evidence given weight in making decision as noted in the decision letter

### Main questions asked at interviews

#### Panel member

Role (judge, independent member or professional) and experience

#### Factors which the parole review members consider

What are the key factors that you look for when considering whether to release a prisoner on parole?

Do you consider that there are some factors that are more important than others?

How do the factors you are considering, alter according to offence, gender, etc.?

#### Specific factors related to the prisoner's progress

How much importance do the panel put on a prisoner spending time in an open prison prior to release?

When looking at the types of courses the prisoners have undertaken, what do you look for when making the decision on whether to progress them?

How are the prisoner's risk assessments and risk management plans used in the parole review decision?

In what sort of cases do you think release to approved premises is absolutely necessary?

#### Influences on the parole review decision process

Various prison and probation staff, as well as external specialists, give recommendations on whether and how the prisoner should be progressed: How are these staff recommendations used in the panel review decision process?

What different contributions do you feel the different panel members bring to making the final decision on whether to progress a prisoner?

What do you feel can be gained from hearing oral evidence at oral parole review panels, as opposed to written evidence?

#### The final stages of the parole decision process

What would you say are the biggest influences on the final stages of the decision making process?

What improvements would you like to see which would help the parole review panel progress a prisoner?

What key information is needed in prisoner's case file for the panel to have confidence that the prisoner's risks have been reduced, and is ready for progression?

What are the greatest concerns you as a Parole Board member have when deciding whether to release a prisoner?

What are the greatest concerns you, as a parole member, have when deciding not to release a prisoner?

What additional licence conditions, currently unavailable, would the panel like to be able to impose on the prisoner, which would reassure the panel that the prisoner's risk could be managed effectively in the community?