

Information for family and friends of prisoners having a parole review

Who this guide is for

This guide is for anyone wishing to support or help someone in prison who is going through a parole review.

Family and friends all play an important role in supporting someone in prison.

This guide will not provide full details about the parole process. More information about parole can be found on GOV.UK: www.gov.uk/getting-parole













Contents

1. Introduction	4
2. Information about the Parole Board	5
3. The Parole Review	6
4. Who is Involved	7
5. How to Support Someone Going Through Parole	9
 a. Legal representation b. Representing a prisoner c. Authority to have information d. Supporting the prisoner e. Attending a parole hearing f. Dealing with outcomes (decisions) g. Delays (adjournments and deferrals) and further reviews 	9 9 10 10 12 12
6. Licence Conditions and Recall	13
7. IPP and DPP Sentenced Offenders	16
8. Life Sentenced Offenders	17
9. Children and Young People	18
10. HMPPS Family and Significant Other Strategy	20
11. Additional Information	21
12. Further Reading	22

2. Information about the Parole Board

Supporting someone in prison can be a difficult and anxious time.

The pain of separation may well be present for most, if not all, the time. Family relationships may be under considerable strain. Visits may be difficult because they may have to take place in prisons far away from where families live, putting additional strain on time and money. Wondering what is going on behind prison walls may take centre stage in the lives of family and friends.

Maintaining contact, understanding the complex and often challenging systems of prison, and seeking advice can all be very daunting. This can be even more difficult when someone is going through a parole review. You may be wishing to understand the process, or considering how you can support, or help someone going through parole.

The Parole Board for England and Wales is an independent court like body that makes decisions on whether prisoners should continue to be kept in prison and, if relevant, whether in the view of the Parole Board they have been appropriately recalled to prison.

The Parole Board works with other criminal justice agencies to protect the public by risk assessing prisoners to decide whether they can safely be released into the community.

The Parole Board must ask itself only one legal question:

In order to direct a prisoner's release, the Parole Board must be satisfied that it is no longer necessary for the protection of the public that the prisoner should remain in custody (prison).

The Parole Board has approximately 260 members, who come from diverse communities and a wide range of professional backgrounds. The members make the assessments and decisions about parole. They are supported in this by a Secretariat of around 140 staff.

The Parole Board does not consider whether the sentence was correct, or whether a prisoner has been punished enough. This is the role of the court and the sentencing judge.

The purpose of a parole review is to answer the legal question in the box above – whether it remains necessary for the protection of the public for the prisoner to stay in prison. This means that the Parole Board has to be assured that someone who is released from prison will not go on to commit a serious crime, and that there are robust arrangements in place for the Probation Service to supervise the person on licence.

The Parole Board can only consider someone for parole if the Secretary of State asks it to by issuing a referral. The Secretary of State will decide when to issue the referral, taking into account any rules that must be followed, and will set out what the Parole Board is being asked to do. **This is the formal referral notice**.

The Parole Board can only do what has been asked in the formal referral notice.

The Parole Board makes parole decisions based on information provided by Her Majesty's Prison and Probation Service (HMPPS) in the form of a file, called the **parole dossier,** which may include information from other agencies such as the police or Crown Prosecution Service, as well as representations from the prisoner and/or their legal representative.

The parole dossier contains papers about the prisoner which may include information about why the person is in prison and how well they are doing in prison. There may also be reports about any mental health or other illnesses they have, how well they did on a course or in prison, and there will be recommendations from professionals about whether they believe it is safe for them to be released from prison. When the parole dossier is complete, it will often also contain papers and letters the prisoner or their legal representative has written, called representations. These can include letters of support from family and friends.

There will often be a victim personal statement (VPS) written by the victim/s or their close family. The VPS provides the Parole Board with information about the harm caused and the impact on the victim, their family and friends, and often the wider community where they live. The Parole Board will read a VPS and consider it as part of the overall information provided. There is an information leaflet on how the Parole Board takes account of a VPS which can be found here: www.gov.uk/guidance/the-parole-boards-commitment-to-victims-of-crime

The Parole Board has produced a decision-making framework guide and video explaining how decisions about parole are made, which covers all the factors considered. Both the guide and video can be found here: www.gov.uk/government/publications/parole-board-decision-making-framework

4. Who is Involved

The Secretary of State must, by law, refer cases to the Parole Board before a review can start.

The Secretary of State will write to the Parole Board and ask it to start a parole review. A prisoner does not need to apply for a parole review as this is an automatic process. Information about when a prisoner becomes eligible for parole should have been provided when the sentence was given by the judge. A prisoner can check this by asking for a copy of their Sentence Calculation.

If someone is recalled to prison, they will be informed about if and when their case will be referred to the Parole Board (not all recalled prisoners will be seen by the Parole Board).

Many parole hearings will take place "on the papers". This means that the Parole Board will make a decision without meeting the prisoner. Instead, their decision will be based on the information in the parole dossier and other additional documents that might be provided. The Parole Board will not meet the prisoner, or anyone else involved in the case, and not ask questions of witnesses; the decision will usually be made by one Parole Board member.

If a decision is made "on the papers" that the prisoner must stay in prison, there are 28 calendar days from the date the decision is issued in which the prisoner (or their legal representative) can ask for a further parole review at an oral hearing.

If you are supporting someone asking for an oral hearing after a paper decision has been issued, there is guidance set out on how to do this. An important case at the Supreme Court, "Osborn, Booth, and Reilly" provided information on when an oral hearing might be required. More detail about this court case, and other information about having a parole review is provided in the information booklet "Getting ready for a parole review without a lawyer" published by the Parole Board.

Understanding the roles of the people involved in a parole review can be confusing. The following is a short summary of the key people involved:

Key People	Role in a Parole Review
The prisoner	will always be involved as the review is theirs (although in some circumstances a parole oral hearing may go ahead without the prisoner)
Parole Board members	are the people who make the decisions about parole. They usually sit in panels of between 1 and 3 members (and on occasion 4 members). One will be the Panel Chair and they will lead the hearing/and they will be in charge
Parole Board Secretariat	are the people who support the members in their parole work and provide professional advice and guidance
Legal Representative	is someone who is legally qualified to represent a prisoner in their parole review. They will provide advice and guidance on how best to submit representations about the parole review, suggest which witnesses should be asked to attend and ask questions at an oral hearing, if there is to be one
Other Representative	is someone who is not legally qualified but is eligible to represent a prisoner in their parole review. In most cases a prisoner will have either a legal representative or other representative, but not both
Intermediary, or other Support Person	is someone who is involved to help or assist the prisoner in addition to a legal or other representative. This type of person cannot represent a prisoner but can offer support and advice to the prisoner
The Public Protection Casework Section (PPCS)	carries out duties on behalf of the Secretary of State and is based within Her Majesty's Prison and Probation Service (HMPPS). PPCS co-ordinate all of the HMPPS involvement and share the parole dossier with the prisoner and the Parole Board. This is called disclosing the dossier
Offender Management Unit	within the prison provide the prison reports to PPCS and will organise things in the prison for the parole review
Prison Offender Manager (POM)	is the person who manages the prisoner in the prison and is sometimes called the Offender Supervisor

5. How to Support Someone Going Through Parole

Key People	Role in a Parole Review
Key Worker	is the person allocated to the prisoner for day-to-day support in the prison
Community Offender Manager (COM)	is the Probation Officer or Probation Service Officer who will manage the prisoner if released from prison on licence and is sometimes called the Offender Manager or Supervising Officer
Witnesses	will be called to give evidence at oral hearings (if there is one) and may include psychologists , psychiatrists , social workers or anyone else who has important information to share
Victims	may submit a victim personal statement (VPS) and can ask to attend a parole oral hearing (if there is one) to read it out. In most cases the prisoner is not present when the VPS is read out, but the Parole Board will consider the views of the victim and the prisoner about this. The victim usually reads their VPS at the start of the hearing and then will leave the prison. They will not be present for any of the discussions with the prisoner about parole
Observers	may ask to attend a parole oral hearing (if there is one) and this might be a friend or family member who is supporting the prisoner. In some cases, it could be someone attending to learn about the parole process as part of their professional development. Observers cannot participate in the parole discussions

The Parole Board must make sure that the parole review is fair, timely, and follows the rules.

The Parole Board Rules set out what needs to happen and everyone must follow these rules. The rules can be found here: www.gov.uk/government/publications/the-parole-board-rules-2019

a. Legal representation

The most important thing to do is help find a qualified prison lawyer who will act as a legal representative for the prisoner.

All prisoners eligible to be considered by the Parole Board should be able to apply for legal aid to pay for the costs, subject to means testing. In legal terms all prisoners meet the merits test (they are eligible to apply for legal aid) but if they have access to private money they may not meet the means test (fail the criteria to be given legal aid) which means they would have to pay for a lawyer themselves. In some cases, a prisoner may be able to get legal advice "pro bono" – this is where the lawyer does not charge the prisoner for their services.

The best thing to do is contact a prison law firm and they will check if legal aid will be available. The prison should provide a list of local prison law firms that can be contacted but many firms advertise in Inside Time, the national newspaper for prisoners and detainees. There is a free solicitor search option on their website: www.insidetime.org

The Prisoners' Advice Service offers free legal advice and support to any prisoner over 21 throughout England and Wales regarding their human and legal rights, conditions of imprisonment and the application of Prison Law and the Prison Rules. More information can be found here: www.prisonersadvice.org.uk

For children and young people aged 21 and under who are going through the parole process, the Howard League for Penal Reform runs a legal advice and representation service. More information can be found here: www.howardleague.org

b. Representing a prisoner

The Parole Board **strongly recommends** that a prisoner asks a qualified legal representative to manage their parole review. However, sometimes a prisoner will represent themselves or ask a family member to represent them. This is possible but can be a difficult and complex job.

The Parole Board has produced a guide to self-representation "Getting ready for a parole review without a lawyer", which has information about the process and what you need to think about. Copies should be available in prison libraries and an online version can be found on the Parole Board web pages.

c. Authority to have information

The Parole Board can only give a friend or family member information about someone in prison if the prisoner has given written consent that the information can be shared. It only needs to be a simple **letter of authority** signed by the prisoner and sent to the Parole Board. The Parole Board will keep it on file so that if you make contact the staff will know that they are allowed to share information and talk about the case with you.

An example of a letter of authority:

I, "the prisoner adds their name" authorise the Parole Board to provide information about my parole review to the following named people:

Add name of person / persons

This authorisation is in place until further notice.

Signed "by the prisoner" Prison Number Date "add date" The Parole Board can only give certain information out about the parole review which will include:

- Timing of the parole review
- Name of the legal representative (if there is one)
- Which organisation is responsible for different parts of the process
- Date and time of an oral hearing, if there is to be one

If you do write to or telephone the Parole Board please have the full name of the prisoner, their prison number and the prison they are held in as you will be asked for this information. You should also have a copy of the letter of authority or know the date it was written.

If the Parole Board does not have a letter of authority it will not be able to share any information about the prisoner's case with you, but it will be able to tell you general information about the parole process.

d. Supporting the prisoner

If you want to write something to the Parole Board in support of the prisoner it is strongly recommended that you talk to a legal representative who will discuss how best to do this.

It is important to remember the Parole Board is focused on undertaking a risk assessment and so will be looking for information that will provide evidence of reducing the risk a prisoner might pose if released.

If you are providing accommodation, employment or other sort of support (often called "protective factors") it can be helpful to write about how you will be involved.

A legal representative will be able to discuss how best to write this. Occasionally, they may ask that you attend the parole oral hearing to give evidence as a witness.

You should also discuss this with the prisoner as things that you write can be included in their own representations, if for example there is not a legal representative, or the prisoner wishes to include something in addition to formal representations from the legal representative. You should not send anything directly to the Parole Board as anything you write needs to first go to the prisoner or their legal representative and they will send it on.

e. Attending a parole hearing

Where more information is needed, for example where the case is complicated, or witnesses need to be guestioned, the Parole Board will hold an oral hearing. If a parole oral hearing is taking place you can think about whether it would be helpful to the prisoner for you to attend to provide support.

An oral hearing is like a court hearing but much less formal and will take place either at the prison, or remotely via a teleconference or video-link. If it is held at the prison, it will be very different from visiting arrangements and you will be escorted inside the prison to the parole room. In some cases, the oral hearing will be a "remote hearing" which means that some, or all attendees, will attend via a teleconference or video-link/virtual room.

There are two ways in which you may be able to attend a parole oral hearing:

As a witness

This is where you will be providing evidence to the Parole Board in support of the prisoner. The legal representative will discuss with you if being a witness will help the case, and will apply to the Parole Board for your attendance. The Parole Board will consider the request and will tell you if it agrees to you attending as a witness.

If you do attend as a witness then the Parole Board panel and other attendees may ask you questions to find out more information about how you are going to support the prisoner, if they were to be released. The legal representative will advise you about this.

As an observer

You can ask to attend to observe a parole oral hearing, with the agreement of the prisoner, and the Parole Board will consider the request. The request must come from the prisoner or their legal representative – you should not write directly to the Parole Board. You do not have to have written anything in support of the prisoner and you can just ask to attend to provide moral support.

If the Parole Board approves the request and the hearing is being held at the prison, the prison Governor will also need to agree that you can come into the prison as an observer.

If you do attend as an observer you are not allowed to say anything during the formal proceedings, and you will not be asked any questions.

You should discuss attending as either a witness or an observer with the prisoner and the legal representative to ensure that it will be supportive. You need to think about all the information you will hear, as you will listen to people robustly questioning the prisoner, and may feel frustrated that you cannot say anything. It can be very distressing for you and the prisoner and sometimes it is better to not attend.

When considering a request for a friend or family member to attend an oral hearing the Parole Board will take into consideration a number of factors and in some cases safety or security may mean that the request is refused. The prison Governor also has to agree to you attending if the oral hearing is taking place in a prison. Generally, anyone under 18 would not normally be permitted to attend a parole oral hearing in person.

It is important that any request is made as soon as possible, but it must be received no later than 12 weeks before the date of the oral hearing.

There is information about asking to attend an oral hearing here: www.gov.uk/government/publications/ observers-at-parole-board-oral-hearings

Parole oral hearings are now digitally recorded which means a full record of the proceedings is kept in case there are any queries or problems with the decision. A record of the proceedings (called a transcript) is only provided in certain circumstances and is not generally available. Information about digital recordings can be found here: www.gov.uk/ government/publications/digital-recording-ofparole-board-hearings

6. Licence Conditions and Recall

f. Dealing with outcomes (decisions)

The Parole Board does not tell the prisoner the decision on the day of the oral hearing. Waiting for the decision can be a very anxious time. The Parole Board Rules state that decisions must be issued within 14 calendar days of the oral hearing.

The Parole Board will not usually be able to tell you about the decision, but the legal representative may be able to provide you with information, but only if the prisoner has given them permission to do so.

If you are unable to see a copy of the full decision you may be able to ask the Parole Board for a summary of the decision. Information about this can be found here: www.gov.uk/government/ publications/decision-summaries

Release decisions: If release is directed then the Secretary of State must make this happen. However, it will usually take some time to put in place all the arrangements. Try and be patient whilst these arrangements are sorted out. In many cases, the decision is provisional for 21 calendar days whilst an assessment is made to ensure everything was done correctly. This is known as an assessment for reconsideration (or the Reconsideration Mechanism). There are very few situations where a case will actually have to be reconsidered but the prisoner will have to wait for the 21 calendar days to expire before the release decision can become final and arrangements for release can be made.

Negative decisions: These are often referred to as "knockbacks" or "no release" decisions. This may be very disappointing and can result in the prisoner being angry or upset. There must be full reasons for the decision made by the Parole Board and so it is a good idea to ask the prisoner if you can read the parole decision, which will help you understand it. The prisoner, if serving an eligible sentence, can consider asking for the decision to be reconsidered if it meets certain criteria, but must do so within 21 calendar days of the date of the decision.

More information about the Reconsideration Mechanism can be found here: www.gov.uk/ guidance/apply-for-a-parole-decision-to-bereconsidered

Transfer to open: This is where the Parole Board has not directed release but is recommending that the prisoner be transferred to an open prison (not all prisoners are eligible to be considered for open prison by the Parole Board and so it is not always an option). The Parole Board can only advise on this and it will be for the Secretary of State to make the final decision.

g. Delays (adjournments and deferrals) and **further reviews**

Sometimes parole reviews are delayed as either more information is required, the prisoner needs more time to complete a course or other intervention, a witness is not available, or for some other unavoidable reason. These can happen at any time during the parole review, including on the day of an oral hearing. The Parole Board does everything it can to avoid these delays, but they may be necessary to ensure a thorough and fair review is ultimately undertaken.

The following is a brief description of the types of delays:

Deferral – this is where the parole panel postpone completion of the case to a new parole panel at a future date. There will not be a specified future date, but the deferral letter might indicate a prospective timeframe, if it is in the interests of the case to do so.

Adjournment – this is where the parole panel postpone completion of the review to a specified future date and keep hold of the case to complete themselves.

Decisions to adjourn or defer must be based on the individual circumstances of the case.

In some cases, an oral hearing will be adjourned and then completed on the papers. This means the parole panel has heard all the oral evidence but need some more written information before making a decision. In these cases, the Parole Board may not need to have another oral hearing before reaching their decision.

When someone is released on licence it is important that they understand the conditions (rules) that they must follow.

If any of the conditions are not followed (breached) or the Community Offender Manager (Supervising Officer) has information to indicate that the individual poses a significant risk of harm to someone then a person on licence can be recalled to prison, without going back to court first.

It is therefore important to know and understand the conditions and how to support someone to follow them.

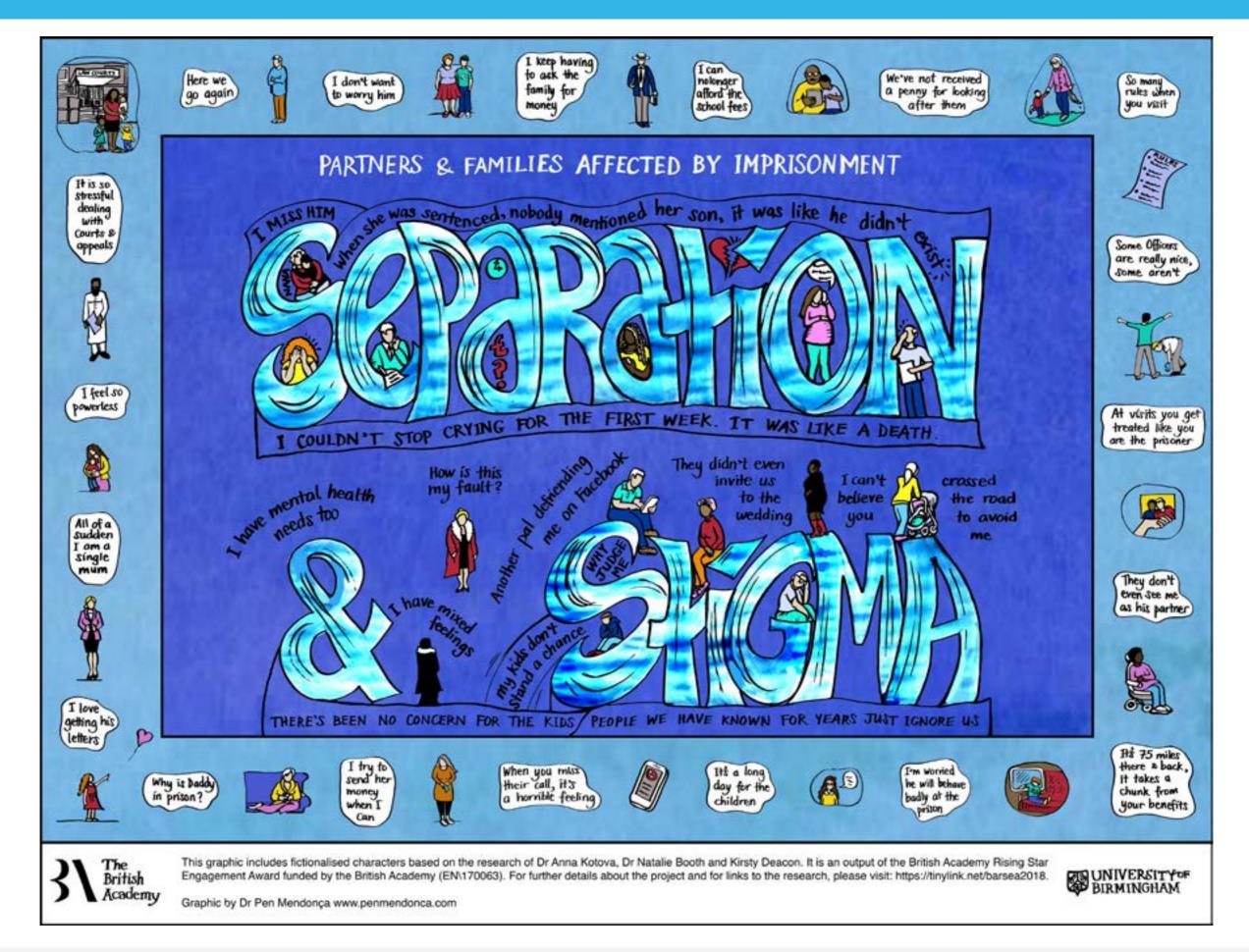
Examples of licence conditions are:

- being of good behaviour
- keeping in touch with their Community Offender
- making sure they keep appointments and are not late for them
- following any curfew
- living at a certain address and discussing any change of address with the Community Offender Manager prior to moving
- staying away from people or places that are listed on the licence
- attending support services (e.g. for drugs or alcohol problems), courses and training where
- telling their Community Offender Manager if they start a new intimate relationship

If any conditions are unclear or you do not understand them, you can ask the Community Offender Manager who is in charge of overseeing the licence to explain them to you.

All requests to recall someone are authorised by a Senior Probation Manager and are sent to the Public Protection Casework Section who will make the final decision about a recall on behalf of the Secretary of State.

The Parole Board is not involved in the supervision on licence or recall of an offender. However, in many cases the Parole Board will be asked to decide whether someone can be re-released if they have been recalled. More information about licence conditions can be found here: www.gov.uk/ government/news/licence-conditions-and-how-theparole-board-use-them



7. IPP and DPP Sentenced Offenders

8. Life Sentenced Offenders

The Imprisonment for Public Protection (IPP) and Detention for Public Protection (DPP) were indeterminate sentences that could be imposed from 2005 to 2012.

They were abolished in 2012 but it was not applied retrospectively, and so prisoners continued to serve these sentences.

Research has shown that families and friends of people serving these sentences can find it particularly hard to cope with the parole process. In particular, this is often because of the perceived injustice of their relative serving a sentence that has been abolished and on which they are often still in prison many years post tariff. The uncertainty of the situation can make it difficult to manage the feelings of hopelessness that can sometimes arise.

These sentences come with specific regulations regarding the parole and release process. Someone on an IPP or DPP licence can discuss with their Community Offender Manager about asking the Parole Board to consider removing the supervising element after a certain amount of time in the community on licence, if they have been of good behaviour (but note that timeframes may vary). In all IPP or DPP cases an offender can ask the Parole Board to consider terminating the licence completely after ten years from when they were first released from prison. This can be an important and liberating point for someone on an IPP or DPP licence.

If the Parole Board agrees to terminate the licence it means the sentence has been spent and the offender is no longer subject to licence conditions or recall to prison. More information about this and how to make the application can be found on the Parole Board web pages.

The Parole Board is very much aware of the impact of these sentences (and in fact any sentence) on families and an information leaflet has been produced for Parole Board members setting out some of the issues and emotions families and friends will be feeling.

A collaboration between Spurgeons Children's Charity and Southampton University Law School has produced a booklet created for relatives of people serving an Indeterminate Sentence for Public Protection (IPP) in England and Wales, and other people supporting them. "Offering a Helping Hand" can be found here: www.spurgeons.org/wp-content/uploads/2020/06/Offering-a-helping-hand.pdf

Life sentenced offenders
can also discuss with their
Community Offender Manager
about asking the Parole
Board to consider removing
the supervising element of
their licence.

This can be applied for after a certain amount of time in the community, if they have been of good behaviour (but note that timeframes may vary).

However, life sentenced offenders will remain on licence for the rest of their life and are unable to ask the Parole Board to consider terminating their licence.

9. Children and Young People

Children (under 18) and young adults can be affected by the parole process in a number of ways, either because they are going through it themselves or a person close to them is.

Information for young people (or their guardian/ parent/carer) who are close to someone going through parole can be sign-posted to information and support.

A number of organisations can help:

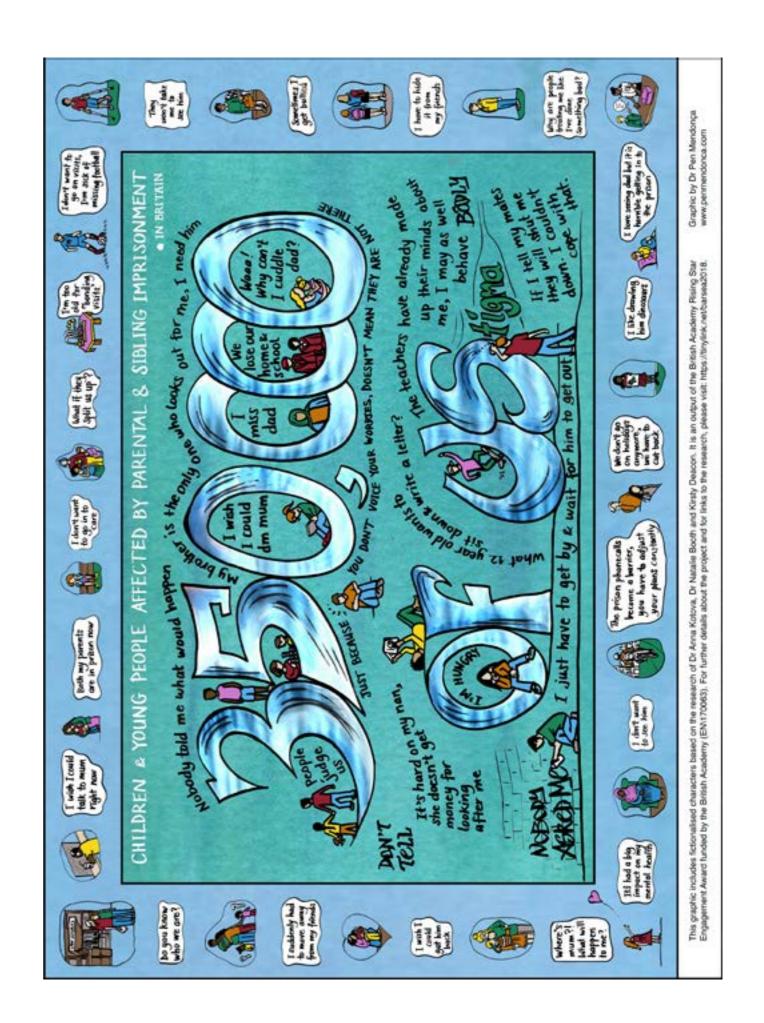
www.familylives.org.uk

www.childline.org.uk/info-advice/home-families/ family-relationships/parents-prison

www.barnardos.org.uk/what-we-do/helping-families/ children-with-a-parent-in-prison

www.prisonadvice.org.uk/Pages/FAQs/Category/tellmy-child

For children and young people aged 21 and under who are themselves going through the parole process, the Howard League for Penal Reform run a legal advice and representation service. They can be contacted on their legal helpline: howardleague.org



10. HMPPS Family and Significant Other Strategy

11. Additional Information

Each prison must have a Family and Significant Other Strategy and Development Plan that is available to prisoners, staff and all visitors.

The strategy is outward facing, published and freely available to families, prisoners and staff. The strategy should set out how the prison will support prisoners to maintain and develop relationships with family, significant others and friends.

Family days and other planned activities are sometimes organised to help maintain positive relationships between prisoners and their children or other family members. Check with the prison to see if one is being organised.

HMPPS has produced a policy framework on maintaining contact, which can be found here: www.gov.uk/government/publications/ strengthening-prisoners-family-ties-policy-framework

This section provides some general information about maintaining contact and supporting someone in prison and links to other organisations that might be able to help.

Information on each prison establishment can be found here:

www.gov.uk/find-prison

The following weblink provides information on staying in touch with someone in prison including sending letters and emails, prison visits, making telephone calls and voicemails, and seeking help with funding to support eligible family and significant others to visit someone in prison: www.gov.uk/staying-in-touch-with-someone-in-

National Prison Radio can also be a good resource and they host a family and friends request show and there are discussion sessions on topics, including parole:

prison.radio/national-prison-radio/#request

There are a number of organisations that can provide support for families and friends of someone in prison, including advice on money, wellbeing and health, information for partners, and family liaison support: www.gov.uk/support-for-families-friends-of-prisoners In particular, there is a scheme offering financial assistance with travel to parole hearings as long as the visitor has a qualifying relationship and is in receipt of one of the qualifying low-income benefits. Parole hearings would be included in the visitor's entitlement of 26 assisted visits per year. More information can be found here: www.gov.uk/helpwithprisonvisits

The Prisoners' Families Helpline is a national freephone helpline offering advice and information on all aspects of the criminal justice system from arrest to release. The Helpline is open seven days a week and the website provides details of the opening hours and has many useful factsheets available to download. More information can be found here: www.prisonersfamilies.org

The Prison Reform Trust run a small advice and information service for prisoners. If you know someone in prison who is having difficulties, they can contact the service directly as there is a freephone number they can use that does not need to be added to their pin. This service is mainly for people in prison, but family members and friends can get in touch for general information. More information can be found here:

www.prisonreformtrust.org.uk/ForPrisonersFamilies

12. Further Reading

The Parole Board has produced two Easy Read Guides to parole:

www.gov.uk/government/publications/easy-readguides-for-prisoners

There is also a short video:

www.youtube.com/ watch?v=n8X4gmEYy0I&feature=youtu.be

The Parole Board Chief Executive publishes a regular blog which provides useful information on current issues relating to parole:

www.gov.uk/government/collections/parole-boardchief-executives-blog

More information about the Parole Board for England and Wales, including documents and publications mentioned in this booklet can be found on the following web pages:

www.gov.uk/government/organisations/paroleboard

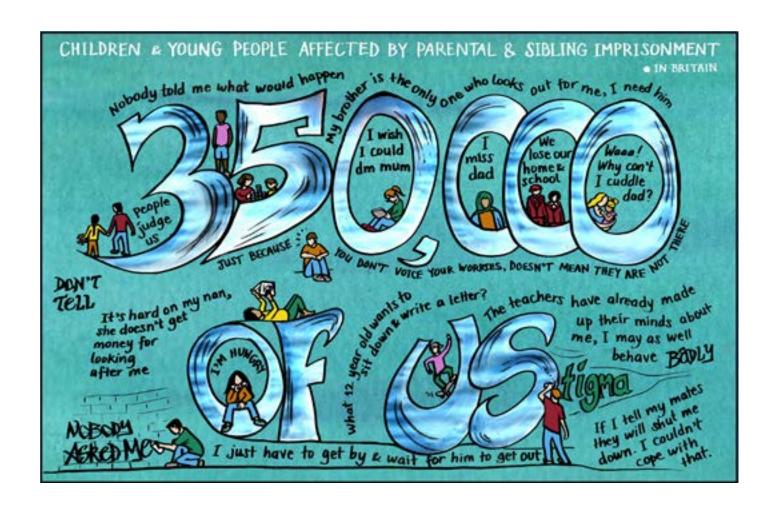
If you think that someone at the Parole Board has acted unprofessionally, or something has gone wrong you can make a complaint. Further information on how to do this can be found here:

www.gov.uk/government/organisations/paroleboard/about/complaints-procedure

If you have any questions about the parole review process or if there is anything you do not understand you can call the Parole Board on **020 3880 0885** or email info@paroleboard.gov.uk

The Parole Board may not be able to give you information about a specific case, but can provide general information about how parole works.

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