



Ministry
of Justice

The Parole Board for England and Wales: Tailored Review

October 2020



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Ministerial Foreword

As Justice Secretary, I remain firm in my commitment to keeping the public safe, and ensuring that justice is done.

A key mechanism for doing this is through the discretionary release of our most serious criminals. This requires those offenders to clearly demonstrate that they no longer pose a threat to the public and where this is not the case, it requires them to remain in prison for the full duration of the sentence handed down by the courts. As an independent quasi-judicial body, the Parole Board undertakes this assessment of future risk independently of government and determines whether offenders are safe to be released.

The Parole Board takes extremely seriously its responsibility for protecting the public. This is evidenced by its robust record on public protection with fewer than one percent of those people it releases going on to commit a serious further offence following their release from prison.

I am reassured by the way the Parole Board has reacted positively to challenges since 2013. However, where issues do arise I am resolved that the system acts swiftly to ensure that they do not recur. On that basis, I am keen to build upon the work started by my predecessor and to implement a package of meaningful reform to ensure that the parole system remains effective, efficient and only releases those offenders that are safe to be managed in the community.

Improvements have already been made to the transparency of hearings and victim engagement within them. This was followed by the implementation of a reconsideration mechanism that allows the Parole Board's decisions to be challenged outside of a Judicial Review, and also the rewriting of the legal rules which govern the Parole Board's conduct.

The outcomes of this Tailored Review build on these improvements and reaffirm the commitment I made in my swearing in ceremony to ensure we have a justice system that is fair, open and accessible, that protects victims and which makes our streets safer. The recommendations within represent operational improvements that can be made within the current legislative framework and which will support the Parole Board, and enable the end-to-end parole system to be more joined-up. I am fully aware that there is still more that can be done and that these improvements do not represent the totality of what can be accomplished. As such, further work to improve the system is planned.

In our manifesto at the last election, we outlined our plans to conduct a root and branch review of the parole system in its entirety. To align with publication of this report, this root and branch review is the obvious next step in ensuring that we build a first-rate parole

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system, which keeps people safe and allows victims to see justice being done. This work will be scoped to build upon this Tailored Review, those improvements already implemented, and the recently published Sentencing White Paper, which will implement new sentencing laws targeted at the most serious violent and sexual offenders. Collectively, I am confident that all of this work will keep the public safe whilst ensuring that sentences match the severity of the crime.

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly informal style.

RT HON ROBERT BUCKLAND QC MP

Update on Timings

The Tailored Review of the Parole Board was launched in February 2019 and was concluded in the winter of 2019 with the final report due for publication in March 2020. Publication was rightly paused to allow the parole system to focus on its response to the coronavirus, without additional pressures and distractions. Whilst the report has been updated in this intervening period to include more recent datasets, the underlying rationale for the review's recommendations remains relevant and its conclusions hold true.

Despite the delay in publishing the report, there was consensus among key stakeholders, including the Parole Board, to begin implementing some of the recommendations to support the systemic response to the coronavirus. The Parole Board has worked closely with HMPPS and the Ministry of Justice to minimise disruption and delays by delivering hearings remotely using video and teleconferencing facilities. This has enabled the Parole Board to conduct over 2,500 remote hearings since March, and to make over 10,000 decisions at a time when its Membership was unable to enter prisons and conduct hearings in the traditional way.

Similarly, as part of the department's preparations to fulfil the Government's manifesto commitment of conducting a root and branch review of the parole system, the Parole System Oversight Board is currently being stood up to provide robust oversight and challenge as this review is conducted. Linked to this, initial discussions have also been had with organisations to consider the benefits of third-party scrutiny. Further, at the Parole Board's request, recommendations regarding Member tenure are progressing with Cabinet Office.

Those recommendations that are still outstanding will be adopted following agreement with the Parole Board, and impacted stakeholders will work collectively to agree a plan and timetable for implementation.

Executive Summary

Tailored Review Purpose

1. Tailored Reviews provide assurance to government and the public on the continuing need for the functions delivered by public bodies, as well as assessing the potential for improved efficiency, effectiveness, governance and different delivery models. Within the Ministry of Justice (MoJ) these reviews are conducted by the Arm's Length Bodies (ALB) Centre of Expertise and are independent of the MoJ policy teams.
2. The Parole Board for England and Wales (the Parole Board) was last reviewed in 2015 under the Triennial Review programme.¹ Given the current levels of change and transformation within the Parole Board and across the wider parole process, the Secretary of State determined, at the time, that a Tailored Review would afford an opportunity to take a deeper look at the Parole Board and its associated processes. The Tailored Review also serves as a mechanism for bringing together the findings of other parole-related reviews, to ensure that the Parole Board is able to deliver its functions effectively and efficiently, and cope with future challenges.
3. The Chair of the Parole Board will be responsible for agreeing a plan to implement the review's recommendations with its Partnership and Assurance sponsor within MoJ. Where recommendations fall outside the scope and remit of the Parole Board, the MoJ's ALB Centre of Expertise will coordinate and oversee delivery until changes have been embedded and established as 'business as usual,' making regular reports to the Secretary of State on progress.

Relationship with Other Reviews

4. The parole system has been the subject of numerous reviews and changes since 2018 following a Judicial Review² which successfully challenged the release decision of John Worboys and which found one of the rules which governs the procedures of the Parole Board to be unlawful. This rule, Rule 25, had prevented the Parole Board from disclosing information about its decision-making. The Worboys decision and the subsequent legal action led to:

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397294/parole-board-for-england-wales-triennial-review-report.pdf

² <https://www.judiciary.uk/wp-content/uploads/2018/03/dsd-nbv-v-parole-board-and-ors-summary.pdf>

- the Review of The Law, Policy and Procedure Relating to Parole Board Decisions³ (published 28th April 2018);
 - a change to the Parole Board Rules, from 22 May 2018, to require decision summaries to be provided to victims and others who request one;
 - a public consultation on proposals to create a reconsideration mechanism for Parole Board decisions to which the government responded in February 2019 by publishing *Reconsideration of Parole Board Decisions: Creating a New and Open System*;⁴
 - a *Review of the Parole Board Rules and Reconsideration Mechanism*⁵ which led to new rules coming into force on 22 July 2019. These new Rules included the provision for a “reconsideration mechanism” which allows the Parole Board to re-take provisional decisions it has previously made if a party believes that this decision was irrational or procedurally unfair; and
 - this Tailored Review of the Parole Board.
5. To avoid duplication, the Tailored Review was scoped to build upon the findings and analysis of these other pieces of work and to consider the case for further reforms in the light of the changes already made or underway. The review’s findings have focused predominantly on operational improvements to allow the Government’s planned root and branch review of the parole system⁶ to explore some of the broader issues within the parole system that might benefit from further reform including through legislative change. As the Tailored Review was nearing its conclusion, the Government legislated to prevent the early release of terrorist offenders without Parole Board consideration. Whilst not part of this review, these proposals underline the crucial and valuable role the Parole Board plays in the assessment of serious offenders to ensure there is consideration of their potential future risk and the need to maintain and increase public confidence in its decision making. At the point of finalising the review, the Parole Board had established a small cohort of trained specialist members to deal with these cases.
6. In March 2020 the outbreak of the Coronavirus significantly impacted on the work of the Parole Board and it decided to pause all face-to-face hearings to ensure the safety of participants and to help prevent the risk of further infections. This decision meant that 2,500 hearings were at risk of being cancelled, with significant knock-on effects with regard to the progression of cases and a potential backlog building. The

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/703534/review-of-the-law_policy-and-procedure-relating-to-parole-board-decisions.pdf

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775831/reconsideration-of-pb-decisions-govt-response.pdf

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/775844/review-of-the-pb-rules-and-rm.pdf

⁶ https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf

Parole Board quickly developed and implemented alternative ways of progressing hearings via video, telephone, or a new paper review process. These new ways of working highlight the fact that the parole system is not standing still and can rapidly adapt to changes to its operating environment. This should be viewed as evidence of the potential for long term improvements and innovation in the system, in line with the recommendations of this review, whilst remaining mindful of the fairness of proceedings.

Summary of Findings

7. The review notes positively the Parole Board's response to a number of challenging events in its recent history, including the Osborn Supreme Court judgment in 2013 and the John Worboys (now known as John Radford) High Court judgment in 2018. The former had a substantial impact on the number of oral hearings that the Parole Board is required to deliver each year, creating a significant challenge for managing an increasing caseload. The consequences of the Worboys case were far-reaching, leading to changes to the Parole Board's operating practices and the rules which govern its conduct.
8. In response to these issues, the Parole Board has implemented a number of significant operational changes which have enabled it to either maintain performance or improve existing processes. These have included:
 - improved transparency through the publication of its reconsideration decisions on BAILLII,⁷ better educational guides and additional outreach to stakeholders;
 - improved use of technology to allow all Members to work digitally;
 - better management of its caseload, eliminating the backlog of cases down from a high of 3,163 in 2014/15 to 1,247 outstanding cases in the Spring of 2018. The numbers have remained close to this reduced level and in March 2020 the number outstanding was 1,962;
 - implementing new ways of working via the COMPASS project to encourage case ownership and better management of deferrals and adjournments (see paragraph 60);
 - delivering changes at pace following the Worboys case but specifically the implementation of the Reconsideration Mechanism;
 - creating a new summary service which has now provided over 3,000 summaries of the reasons for a decision to victims and the public; and
 - maintaining a consistently low rate of Serious Further Offences.
9. Despite a strong record on public protection, and its positive response to legal challenges and increasing demand, the review has identified several issues which

⁷ <https://www.bailii.org/recent-decisions.html#ew/cases/PBRA>

continue to impact Parole Board performance, and which prevent the wider system from being more efficient. The review has found that:

- the level of delay within the parole process remains stubbornly high and consequently many cases which require a full oral hearing are not heard in a reasonable time or resolved first time. This leads to delays to offender progression, pressure on prison places, additional work for report writers and causes wasted costs in terms of duplicated work;
 - the Osborn Judgment and the increased scrutiny following the Worboys case in 2018, have all led to the virtual disappearance of decisions being reached on the papers (which can be a more cost-effective, and often quicker, means for making a risk-based decision in simpler cases). The review notes, however, that this trend is being reversed as part of the Parole Board's response to the Coronavirus pandemic;
 - the quality and timeliness of information in the standard dossier, and its general structure should be improved to ensure hearings are more productive;
 - recall cases account for a large proportion of the Parole Board's workload and could potentially be resolved in more cost-effective ways. The Parole Board is now starting to develop alternative approaches to manage these more efficiently and this has been accelerated as part of its response to the Coronavirus;
 - the Parole Board lacks court-like powers;
 - the Parole Board is not perceived by some external stakeholders as being truly independent. This includes views from stakeholders that the organisation should be established further from ministerial and political influence;
 - the Parole Board Member Strategy needs strengthening (including tenure policy, fee structure and appraisal system); and
 - more needs to be done to ensure there is ownership and oversight of the end-to-end parole system.
10. Combined, these issues result in additional and avoidable system costs, delays to hearings, and create pressures on the resources of the Parole Board and the broader parole system, and adds to the stresses of victims during an already challenging time.
11. These issues, and the recent impact of the Coronavirus, also demonstrate that the Parole Board is dependent on the effectiveness and efficiency of other parts of the parole system to deliver its objectives, with many of the consequences of these issues often being seen as failings of the Parole Board (even where it does not have the ability to resolve them unilaterally). As such, there is a need for the whole, end-to-end system to work in a much more cohesive and unified manner, whilst recognising and respecting the Parole Board's independence.

Conclusions

12. The Review concludes that the immediate priority, ahead of the Government's commitment to a wider root and branch review, should be to support and improve the Parole Board's effectiveness and efficiency, including making sure that the wider parole system operates cohesively, works as a single system and is better held to account for delay and underperformance.
13. Whilst there remains a strong principled argument for the Parole Board to be reconstituted as a court or tribunal, the question of the Parole Board's future form and functions should now be considered under the government's root and branch review of the wider parole system and in the context of recent and planned changes to sentencing, release and parole policy.
14. For now, the review concludes that the Parole Board should, therefore, retain its current operating model as a Non-Departmental Public Body in the short-term, whilst working to more clearly demonstrate the judicial nature of its decisions and its independence from government. At the same time, the Parole Board and the other delivery bodies within the parole system, should look to improve the efficiency and effectiveness of the end-to-end system.
15. The review's recommendations are summarised in Table One and focus on how to improve operational challenges within the Parole Board and better promote better collaboration within the wider parole system, all whilst working within the current legislative framework ahead of the government's root and branch review.

Table One: A Summary of Recommendations

The Current Constitution and Structure of The Parole Board	
1. While broader, fundamental questions are considered, and to allow recent reforms to properly embed, the Parole Board should retain its status as a Non-Departmental Public Body. However:	
a)	through its communications, use of powers and its approach to directions compliance, the Parole Board should better present itself as being a court-like, quasi-judicial body, with a similar status to other courts and tribunals; and
b)	where possible and beneficial, it should seek a closer relationship with the judiciary and seek to align its processes and practices to those within the unified tribunal system.
2. There are a number of areas where there is scope for the Parole Board's relationship with the MoJ and other professional functions to be improved. These include:	

- a) ensuring that the level of corporate support provided to the Parole Board is sufficient to enable it to deliver its core functions effectively. Possible changes might include additional support from Analytical Services and, whilst respecting the need to maintain its independence, the Parole Board should consider whether the Government Communication Service could provide capability support to the Parole Board's communications team. This might assist its people in having access to the broader benefits of working within a recognised function and aid in the strategic development of the team; and
- b) the Parole Board and its MoJ Assurance Partner should finalise and publish the refreshed Framework Document that governs the relationship and the holding to account arrangements between the Parole Board and the MoJ, whilst maintaining the Parole Board's independence.

The Efficiency, Effectiveness and Timeliness of The Current System

3. To support the timely delivery of hearings and to address the stubbornly high rate of delay within the parole system:

- a) the Parole Board should test the use of existing powers included in the Civil Procedure Rules to ensure that witnesses and evidence are available at hearings. It should also work with the MoJ, HMPPS and HMCTS to better understand how the use of these powers might impact the wider criminal justice system;
- b) the MoJ, HMPPS and the Parole Board should ensure that the current content, format and quality of dossiers supports the disposal of cases in a timely manner, and promotes quality decision making, with an emphasis on getting things right first time. If necessary, a new format should be introduced in consultation with the Parole Board User Group and the Membership;
- c) the Parole Board should consider whether and how more decisions could be made more proportionately without resorting to full face-to-face hearings, whilst respecting all prisoners' rights including the need for procedural fairness and ensuring the protection of the public; and
- d) the MoJ, HMPPS and the Parole Board should work together to understand the reasons why specialist reports are often delayed, and then identify possible solutions.

4. The Parole Board should refresh and then publish its strategy for its future Membership needs. This should include policies for how Members are recruited, trained, appraised and remunerated. Specifically, the strategy should include the following changes:

- a) the Parole Board Management Committee's proposal to reform the tenure of Members should be implemented. This would allow Members to be appointed for a maximum of three periods of five years, subject to receiving satisfactory performance appraisals. There should also be a clear expectation that Members would undertake accreditation to become Panel Chairs and would only be eligible for reappointment on that basis. This would then allow more Members to sit as both chairs and co-panellists resulting in more effective and equitable deployment of member resource;
- b) the Parole Board should undertake a review of its fee structure to ensure that Members are appropriately remunerated for their work. Particular attention should be given to how the fee structure might incentivise Members to undertake less popular and time-consuming duties such as determinate recall cases, Member Case Assessment work, and chairing oral hearings; and

- c) the Parole Board should build on its programme of mandatory learning for Members. If beneficial, a commitment to undertaking this learning should be built into Terms of Appointment.

Oversight and Assurance Within the Parole Board and of the Parole System

5. In order to ensure that parole operates effectively as a single system, oversight and strategic ownership of the system should be improved whilst respecting the independence and judicial nature of Parole Board decision-making. This should be done by:

- a) creating a strategic board to take ownership of the end-to-end parole process. The delivery bodies within the system would be accountable to the board for proactively identifying and then resolving challenges in the parole system. The board would also be responsible for delivering a cohesive strategic vision for parole such that any future reform is carried out with a specific end goal in mind, rather than in response to individual cases and changes to case law; and
- b) implementing a regime of additional third-party assurance on the system to be carried out by a relevant scrutiny body, such as Her Majesty's Inspectorate of Probation, or the Government Internal Audit Agency. This assurance should evaluate the efficiency, effectiveness and timeliness of the end-to-end parole process but should not consider whether individual decisions were correct as these are judicial in nature and rightly taken independently of government.

6. For the public to have confidence in its work, the Parole Board should ensure that it can evidence the quality of its decision-making. This should be done in the following ways:

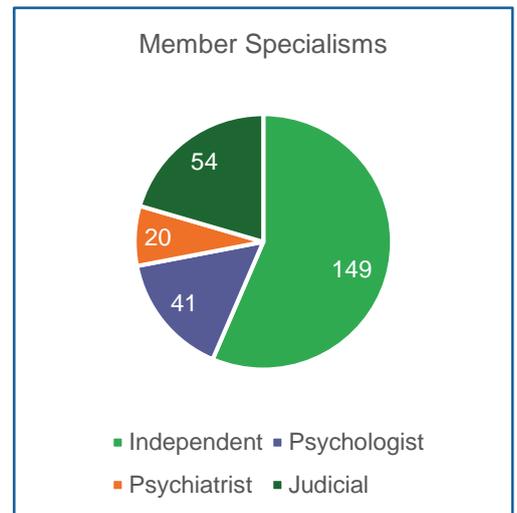
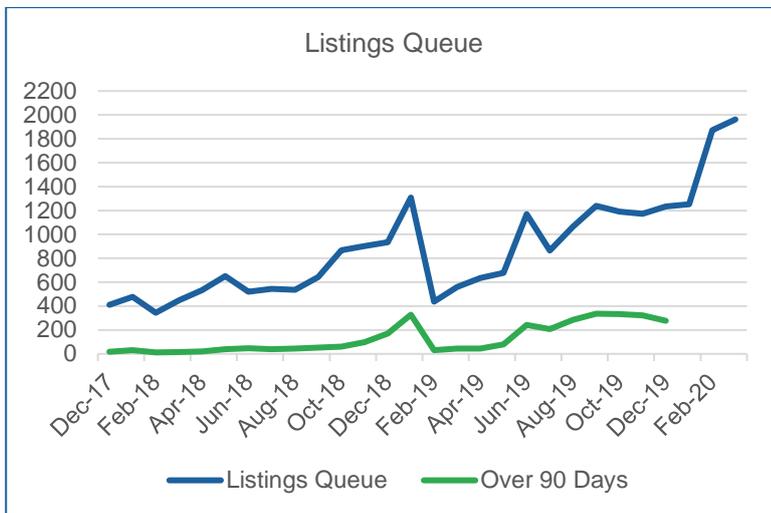
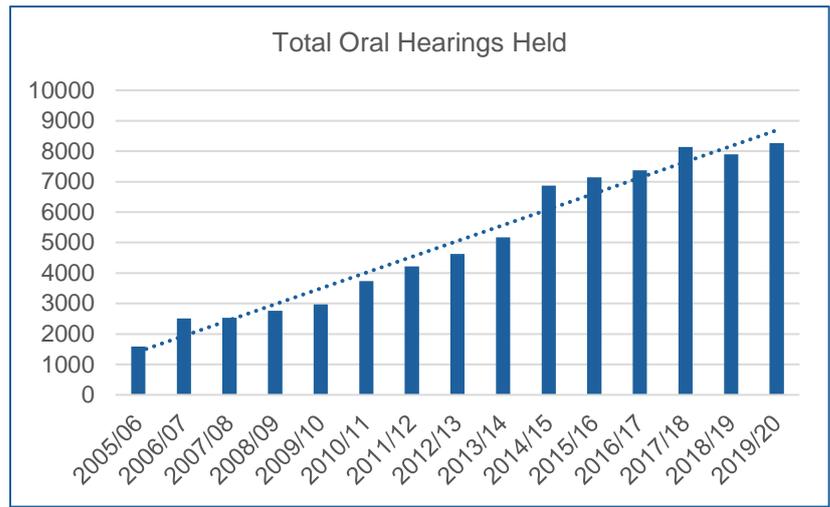
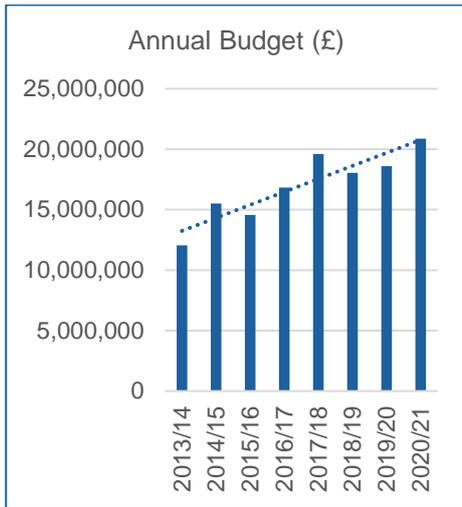
- a) in line with existing plans, the Parole Board should continue to improve its quality assurance processes to promote confidence in the system and build a culture of continuous improvement. Proposed changes should be implemented in a timely fashion, supported by the MoJ where required; and
- b) the Parole Board should find ways of proactively collecting anonymised feedback from system users, including lawyers, offenders and witnesses, to ensure that it has a good understanding of where its processes, performances and practices may need to be improved. This data should be transparent and published.

7. Historically, the Parole Board has had an issue with the diversity of its Membership. Whilst good progress has been made, this should continue to be addressed in the following ways:

- a) the Parole Board should update and regularly re-publish its diversity strategy. This should include its approach to recruitment, Member training and appraisal;
- b) further consideration should be given to the training and support needs of Members to ensure that they are able to deal with racial and cultural issues in both a confident and sensitive manner; and
- c) the Parole Board should work with HMPPS and the MoJ to continue to monitor and understand any differentials in its release rates.

Introduction to the Parole Board

Parole Board on a Page



	<p>Decision Outcomes For Oral Hearings 2019/20: 36% refused, 51% released and 13% recommended for open</p>		<p>On The Day Deferral Rate: 4.5% in March 2020 21.6% in September 2017</p>
	<p>Serious Further Offence Rate: Less than 1%</p>		<p>Adjournment/Deferral Split: 63.5% in March 2020 52.2% in September 2017</p>
	<p>Diversity: 48% of staff and 12% of Members identify as BAME 67% of staff, 33% of the Management Committee and 59% of Members are female 9% of staff and 17% of Members identified as having a disability</p>		

Functions of the Parole Board

16. Since its establishment in 1968 the Parole Board, and the context in which it operates, has evolved significantly. The Criminal Justice Act 1967 created the Parole Board as a small body of just 17 experts to advise the Government on the release of prisoners. Its composition was to include a judge, a psychiatrist, a probation officer and a criminologist, and was much reduced in terms of size and scope, delivering no actual hearings and only making *recommendations* for release.
17. There have been many legislative and policy changes since then, much of which has been in response to case law on parole decision making. This has seen the Parole Board evolve from a small advisory body to a judicial, independent, decision-making organisation dealing with thousands of cases each year. Today the Parole Board has the power to direct the release of indeterminate sentence prisoners once they have served the minimum punitive term imposed by the trial judge, as well as certain serious and dangerous offenders serving an extended sentence or a sentence for offenders of particular concern (SOPC) which have a period of discretionary Parole Board release. The Parole Board is also responsible for reviewing determinate sentence prisoners recalled to prison and deciding whether they are safe to be re-released on licence before the end of their sentence. It can also make recommendations to the Secretary of State with regard to whether an offender should progress to open conditions. It is now made up of over 269 independent members, which includes serving and retired members of the judiciary, and specialist psychologists and psychiatrists, all supported by a staff of around 130.
18. The Parole Board's primary focus is protection of the public. Each year the Parole Board reviews around 26,000 cases to determine whether imprisonment continues to be necessary for the protection of the public once the prisoner has reached the point in their sentence at which the legislation provides that they are eligible to be considered for release. Of the total cases concluded in any given year less than one in four prisoners each year meets the Parole Board's stringent requirements for release (either at an oral hearing or by way of a decision being made on the papers without the prisoner present), demonstrating the organisation's strong commitment to public protection. In addition, less than 1% of prisoners released by the Parole Board are subsequently charged with a Serious Further Offence (SFO) and fewer than that are then convicted.
19. The decisions it makes are inherently judicial in nature as the Parole Board fulfils the role of a court in determining whether a person is safe to be released from prison, and perhaps as importantly, ensures the ongoing lawful detention of those who remain a risk to the public. The test for release is set in statute as:

‘The Parole Board must not give a direction for release unless the Board is satisfied that it is no longer necessary for the protection of the public that the person should be confined.’⁸

20. This means that the Parole Board may only direct release where it is satisfied that the offender does not pose a significant threat to the public and could be safely managed in the community subject to licence conditions and controls. As such, these decisions are entirely risk-based: the Parole Board does not consider whether an offender has “earned” release or whether they “deserve” to remain in prison for the offences that they committed. That is reflected by the sentence imposed by the court and, once the minimum custodial portion of the sentence has been completed, the Parole Board’s role is to determine whether the offender could safely be released.

Recent Challenges and Developments

21. The difficulties of working in a demanding operational environment are not new to the Parole Board. It has regularly faced challenges which have required it to reconsider its operating model or adjust to changes in legislation at pace, most notably in its response to two particularly noteworthy judgments handed down by the Supreme Court in *Osborn* (2013) and the High Court in the case of *Worboys* (2018), and a change in legislation in February 2020 with respect to Terrorism Act (TACT) offenders.
22. The two judgments and the recent change of law have had a significant impact on both the operational demand and resourcing of the Parole Board secretariat and its Membership. The backlog of cases following *Osborn* reached a high of 3,163 in 2014/15 and several initiatives were required to increase the number of oral hearings held across the prison estate to meet the new levels of demand. Funding of the Parole Board increased during this period, rising from £15.5m in 2014/15 to £18.6m in 2019/20 and will further increase to £20.1m in 2020/21.
23. In the period from 2015-19 the Parole Board significantly improved its throughput of cases to achieve a 60% reduction in the number of outstanding cases by March 2018, although the numbers had risen to 1,962 by March 2020. By holding record numbers of hearings (a three-fold increase on the numbers held a decade ago) the Parole Board reduced the level of damages paid to prisoners for delay by 80%. Despite these improvements, it now needs to further increase its capacity and efficiency to cope with the projected increases in demand.
24. Having made real progress on clearing the historic backlog, the decision to release John Worboys in 2018 presented further challenges. The case was reported widely in the media, reflecting the victims’ and public’s concern at the decision to release him.

⁸ <http://www.legislation.gov.uk/ukpga/2012/10/section/125/enacted>

In a statement issued in Parliament on the 19 January 2018 the then Secretary of State for Justice, David Gauke, announced a review of the law, policy and procedure relating to parole decisions and that the MoJ would review the case for increased transparency in the parole process, how victims are communicated with and how they are appropriately engaged in that process.

25. The decision to release Worboys was successfully challenged by his victims who brought a judicial review on the grounds that the Parole Board panel failed to probe into, and should have considered, evidence relating to other offences which Worboys was alleged to have committed but for which he was not tried and which he denied. The Board was directed to consider the case again and the original decision was quashed. A further finding of the court in the Worboys Judicial Review was that Rule 25 of the Parole Board Rules 2016, which prohibited the disclosure of information about parole proceedings, was unlawful on the basis that it contravened the principles of open justice. Worboys was subsequently charged and convicted of further offences, pre-dating his original sentence, which negated the need for further detailed Parole Board consideration of his risk in the short term.
26. Following this, the Parole Board Rules were changed to replace what was Rule 25 with a new requirement for the Parole Board to provide written summaries of its decisions when requested by victims or others. This came into force in May 2018, and summaries can now be provided in the vast majority of cases. More than 3,000 summaries have since been issued and those changes have been implemented from existing resource. A full review of all the Parole Board Rules was also undertaken and its findings published in February 2019. This set out all the measures that had been taken and proposals for further reforms to improve the transparency and effectiveness of the parole system. This included:
 - a new reconsideration mechanism which allows for applications to be made to the Parole Board for decisions to be looked at again if they appear to be legally flawed without the need for judicial review – this was launched in July 2019;
 - the Parole Board publishing clear procedures and standard practice to support quality and consistency in decision making;
 - further improvements to engagement with victims and the commitments in the Victims Strategy by the National Probation Service;
 - a new operational protocol between the Parole Board and Her Majesty's Prisons and Probation Service (HMPPS) to clarify roles and responsibilities within the parole system;
 - a new policy framework, published by HMPPS, to improve timescales which the review found would make the process more efficient; and
 - a new Rules Committee to keep the Rules under review and enable quicker future changes if needed.

27. In the winter of 2019/20 there were two separate attacks by TACT offenders who had been *automatically* released at the midpoint of their sentences, without requiring any involvement or review by the Parole Board. The first occurred on 20 November 2019 at Fishmongers' Hall and the other on 2 February 2020 on Streatham High Street. In the wake of these two atrocities, the Secretary of State announced that all TACT offenders currently in prison and serving determinate sentences would no longer be automatically released at the half-way point of their sentence. Instead, they would be referred to the Parole Board once they had served two thirds of their sentence. The necessary emergency legislation was passed on 26 February 2020. The Parole Board currently deals with around 30 TACT offenders each year and these announced changes will likely double that number.
28. In response to these changes, the Parole Board has established a cohort of 18 appropriately vetted members to deal with TACT cases. It has also provided specialist training and has improved its links with the security services.
29. The Parole Board has welcomed the changes outlined above and has worked hard to implement them, carefully balancing the need to embed change against the need to meet increasing operational demand. It is against this background of review and reform that this Tailored Review has taken a further look at the work of the Parole Board, focusing predominantly on issues of operational effectiveness rather than wider policy questions.

Constitution and Status

Background

30. In determining whether offenders are safe to be released from prison and managed in the community, the Parole Board fulfils the functions of a court under section 5 of the European Convention of Human Rights (ECHR) and consequently its decision-making is inherently judicial. Article 5.4 of the ECHR requires that:

“Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.”⁹

31. Beyond this however, the Parole Board’s current status, and its evolution into a quasi-judicial body, are underpinned by the years of case law and legislation which makes the Parole Board responsible for making independent, court-like decisions about whether an offender’s continued detention is necessary in keeping the public safe, pursuant to the release test at paragraph 19. Whilst this is grounded in Article 5.4, it is the case law and primary legislation that governs the role that the Parole Board must currently fulfil.
32. The Parole Board should take the form that best allows it to deliver its judicial functions in a timely and efficient manner, and should be supported by appropriate governance and accountability arrangements. The case for reconstitution of the Parole Board as a tribunal was considered in a government consultation in 2009 and then again in the 2015 Triennial Review. Neither of these ruled out the proposal in principle but decided that such a change was inappropriate at the time. As such, the Parole Board has remained as an Arm’s Length Body,¹⁰ directly sponsored by the MoJ. This means that whilst it makes its decisions independently, it is funded by the MoJ and, as an organisation, is ultimately accountable to Parliament. As a court or tribunal, the Parole Board would likely sit within Her Majesty’s Courts and Tribunals Service (HMCTS), receive full, judicial independence, and would formally sit within existing judicial structures. This would more clearly demonstrate the independence of its decision making and would deliver other benefits such as increased powers and closer relationships with the wider judiciary.

⁹ https://www.echr.coe.int/Documents/Convention_ENG.pdf

¹⁰ An arm’s-length body is an organisation that delivers a public service but which is not a ministerial government department. They operate at a distance from, and independent of, Ministers but remain accountable to Parliament. The term can include non-departmental public bodies (NDPBs), executive agencies, non-ministerial departments, public corporations, NHS bodies, and inspectorates.

Options

33. Broadly speaking, and taking a first principles approach, there are several ways that the Parole Board could be constituted to fulfil its obligations under Article 5 of the ECHR. These are:
- 1) As an Arm's Length Body, sponsored by MoJ, HMCTS or another organisation, where decisions are made independently of government;
 - 2) as a tribunal, either within or outside of the unified system; or
 - 3) as a court.
34. There is a strong principled argument to make in favour of the Parole Board being reconstituted as a tribunal or court: it makes inherently judicial decisions and should therefore be able to demonstrate that it does so entirely free of political influence. However, there are several operational issues, discussed throughout this report, that reconstitution would not resolve. As such, the case for and against reconstitution is finely balanced and, at this time, does not appear overwhelming in either direction. There is also a question about how the Parole Board should be held to account for its performance, and its accountability to the public through Parliament. This is all underpinned by a more fundamental question about what the government wants the Parole Board to *be* and what role it should fulfil.

Conclusions

35. Each of the above options has various strengths and weaknesses, and will impact the wider criminal justice system in different ways. Whilst the review team did consider each option, the political landscape has shifted considerably since the launch of the Tailored Review and its initial conclusions may no longer hold true.
36. Consequently, the review has concluded that as part of the Government's commitment to undertake a root and branch review of the parole system, the department should build on the evidence of this review and undertake the detailed costing and modelling required to resolve the question around the Parole Board's future structure.
37. In the meantime, and while this work is completed, the Parole Board should seek to better present itself as being a court-like body with a similar status to other courts and tribunals making judicial decisions. It should also seek to build closer relationships with the judiciary where this might deliver benefits and simplify possible transition arrangements in future.

Recommendations

The Current Constitution and Structure of The Parole Board

While broader, fundamental questions are considered, and to allow recent reforms to properly embed, the Parole Board should retain its status as a Non-Departmental Public Body. However:

- a) through its communications, use of powers and its approach to directions compliance, the Parole Board should better present itself as being a court-like, quasi-judicial body, with a similar status to other courts and tribunals; and
- b) where possible and beneficial, it should seek a closer relationship with the judiciary and seek to align its processes and practices to those within the unified tribunal system.

Deferrals, Adjudgments and Delays

Background

38. Historically, parole cases have operated on a 26-week timetable from commencement to oral hearing, with a decision to be notified within a further 14 days. These timelines were drawn up at a time when the Board was holding 1,500 hearings a year. With increasing demand and complexity this timetable was reviewed in the 2019 Rules to allow for a pre-proceeding period so that dossiers were parole ready at the time of referral. It was agreed that original 'target' was no longer feasible or appropriate given that many cases often take longer than this to reach their first oral hearing and may then be subject to a deferral or adjournment, or may require multiple oral hearings before the case can be safely concluded. Whilst some adjournments, deferrals and delays are inevitable, the current volume creates an unnecessary and avoidable strain on the system, and worsens an already stressful period for both offenders and victims. In a system that works both effectively and efficiently, the majority of hearings should be capable of being resolved first time and on time. Further work is also needed to develop a more sophisticated and realistic way of determining how long different types of parole cases should ideally take, and moving away from a single, standard target for all cases.
39. The Parole Board has previously measured deferrals and adjournments collectively, but a significant amount of work has been undertaken to separate and monitor these individually, most notably through its COMPASS project. The review team is supportive of this as there are fundamental differences between the two, both in terms of causes and impacts. When a case is deferred it is put back in the queue of outstanding cases and will be worked by different Parole Board Members in the future, essentially starting afresh. As such, any time spent by the original Members is wasted and will be replicated when the case is reassigned. Where a case is adjourned the same Members retain ownership of the case for future hearings. This means that there is less waste and duplication of effort from Members. It also allows better active case management to prevent cases getting "stuck" in the system.
40. However, deferrals, adjournments and delays all represent a cost to the department and to the Parole Board. The way they are managed involves the duplication of effort, the convening of multiple and potentially unnecessary oral hearings, and in some cases leads to compensation payments to offenders, all while increasing pressure on prison and probation services, including specialist report writers and offender managers and supervisors. Outside of government, this level of delay represents poor service for system users, including offenders and their

representatives, and increases the emotional impact on victims during an already difficult period.

41. The cause and impact of delays do not sit within the Parole Board alone. As such, any solutions will require a truly collaborative effort from all organisations who operate in this system, including Prisons, Probation, the Parole Board and the prisoners' legal representatives.

Summary of Problem

42. Under Article 5.4 of the European Convention on Human Rights (ECHR), offenders are entitled to have the lawfulness of their detention decided "speedily" by a court. Not only is this a legal requirement for offenders, but a timely and prompt hearing offers a better experience for victims, with frequent and unexplained delays creating additional and avoidable stress and discomfort. Despite this requirement, timeliness remains a significant issue across the parole system resulting in the frequent delaying of cases. It would not, however, be fair to say that the Parole Board should bear sole responsibility for these delays; whilst it owns the case, there is much that happens outside of its control and a timely hearing can only be guaranteed by a truly efficient system.
43. To better understand delay within the system, the Parole Board undertook an investigation of a sample of 359 randomly selected cases in 2018/19. This analysis showed that across all cases within the sample:
 - the longest case took 244 weeks to resolve;
 - the shortest case took 10 weeks to resolve (albeit on the papers);
 - the mean average was 40 weeks; and,
 - the median was 30 weeks.
44. Whilst the Parole Board has the ultimate responsibility for ensuring that hearings take place on time, it does not operate in a vacuum and many of the reasons behind these delays sit outside of its ability to resolve. Nevertheless, that should not stop the Parole Board seeking ways to better manage these delays or to resolve the issues which it does have the ability to influence. This includes:
 - the continually high rate of deferrals and avoidable adjournments;
 - the frequent delays in receiving complete, high-quality parole dossiers, and subsequent requests for extra information by Members; and
 - the effectiveness of directions compliance.
45. The Parole Board, with HMPPS, has worked to address these issues and, whilst improvements are already being made to some of the areas above, additional work must be undertaken in order to further improve effectiveness and efficiency. Each of these three bullet-points is considered in more detail below.

Deferrals and Adjourments

Evidence

46. The rate of deferrals and adjourments remains stubbornly high and has done so for a considerable number of years. A summary of this is shown in Charts One and Two, which demonstrates how this issue has persisted, and actually worsened, since 2015/16. The Parole Board explained that this is partially because, through its COMPASS project, it is now using adjourments in a different way, encouraging Members to retain ownership of cases and minimising the number of cases that do not progress through the system. This issue is compounded by operational pressures such as rising demand and a pressure on the number of accredited Panel Chairs. Nevertheless, this is clearly an issue that has persisted for some time and significant improvements need to be made.

Chart One: Parole Board Adjournment and Deferral Numbers

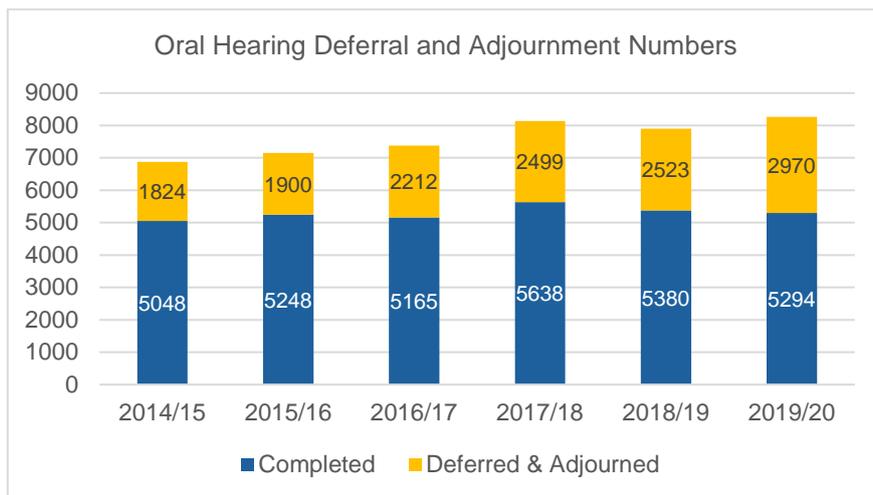
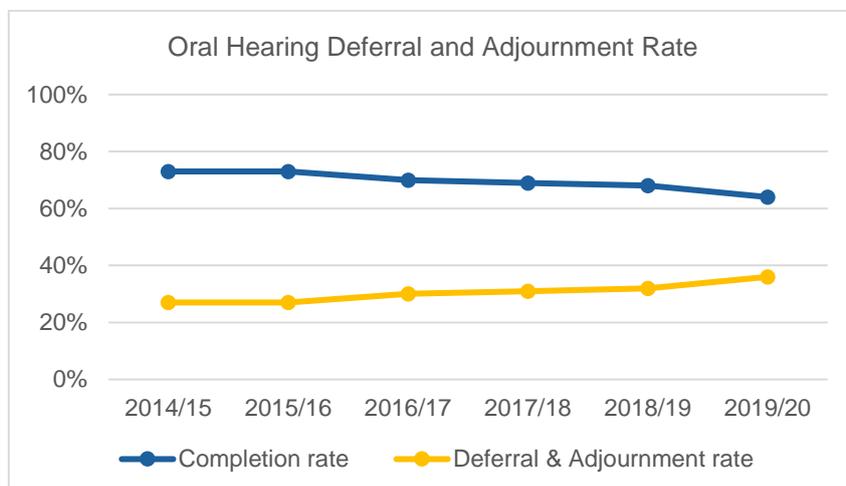
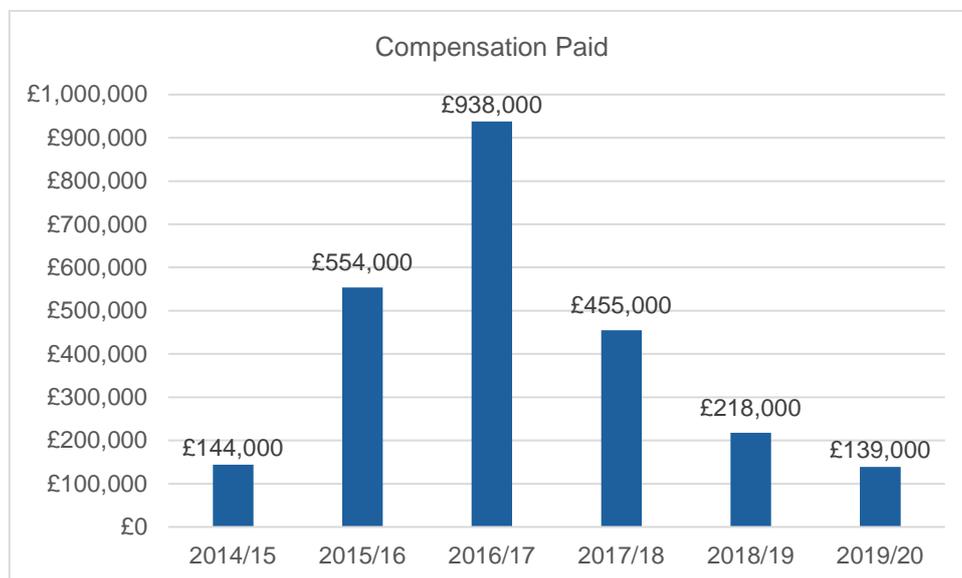


Chart Two: Parole Board Adjournment and Deferral Rate



47. The Parole Board analysis, referenced in paragraph 43, showed that of the cases sampled:
- 18.6% had been subject to a deferral at the Member Case Assessment (MCA) Stage;¹¹
 - 38.2% had been subject to at least one deferral or adjournment at the oral hearing stage; and
 - 7.5% had been subject to deferrals at both the MCA and oral hearing stages.
48. The direct consequence of undue delay is shown by the compensation payments that the Parole Board makes to offenders for failing to provide them with a timely hearing pursuant to their rights under the ECHR. Following the Osborn ruling in 2013, the Parole Board built up a considerable backlog of cases as many more prisoners then had the right to an oral hearing. This resulted in compensation payments increasing significantly, reaching a peak of nearly £1m in 2016/17. As the backlog was tackled, compensation payments fell sharply and by 2019/20 had fallen by over 85% and have broadly returned to the same levels as before the Osborn judgment. This is shown in Chart Three (note that these figures do not include any associated legal costs).

Chart Three: Compensation Payments Made by the Parole Board to Offenders (£)



49. Avoidable adjournments, and delay more generally, create a significant level of waste and duplication across the system, but this is particularly high where cases are deferred. There is an important distinction between deferrals and adjournments and grouping the two, creates a blurred and unhelpful picture when assessing the

¹¹ The Member Case Assessment Stage is the initial triaging of cases. A Member will review the case to see whether a decision can be made without resorting to an oral hearing. If this is not possible, the case will be listed for a full oral hearing.

efficiency of the oral hearing system. As such, the review team is supportive of the fact that the Parole Board is now measuring and addressing these issues separately.

50. Parole Board analysis, as per paragraph 43, has highlighted the most common reasons for deferrals which are shown in Table Two.

Table Two: Reasons for Deferrals

Most Common Reasons for Deferrals
Requiring additional or updated reports from specialist report writers
Issues or amendments required to the Risk Management Plan
Awaiting information on outstanding or further charges
Additional time required to allow offenders to complete interventions or 'Release on Temporary Licence' (ROTL) activity
The availability of legal representatives and Members
Witness availability
Problems with directions compliance
Logistical issues within the prison.

51. Table Two demonstrates that although the Parole Board is often seen as the owner and cause of this delay, on the basis that it is the decision-maker, the reasons for delay are often systemic in nature. As such, the Parole Board should not be held solely responsible for these issues, and any solutions will require the whole system to work much more efficiently and in a more joined-up manner.
52. The majority of the stakeholders interviewed raised the issue of delay, and specifically deferrals and adjournments, as being of concern. A number of offender representatives identified this as being the most serious issue that the system faces, given potential breaches of Article 5, and indicated that priority should be given to resolving the underlying causes of delay.
53. The review team commissioned MoJ Analysts to undertake interviews with a small sample of offenders with experience of parole. This included some who were still in prison and others who had been released on licence. Despite being asked questions across a range of issues (see Appendix A for the full questionnaire), the timeliness of, and delays to, their hearings were of most concern to offenders, combined with the amount of support and assistance offered to them throughout the process. These delays were primarily due to the panel requesting further information or waiting for delayed reports.

54. Offenders stated that the process was already stressful and one said the process was “daunting” and he was “on tenterhooks right the way through” up until a decision was reached. Ensuring that offenders remain engaged with the process is important in safeguarding the quality of decision-making. It will be harder for Parole Board Members to arrive at fair and safe decisions if offenders disengage and lose trust in the process, and therefore become unwilling to answer questions openly and honestly.

Analysis – Duplicate Costs

55. MoJ Analysts were also commissioned to model and cost the consequences of delay, particularly regarding deferrals and adjournments, based on the figures included in the Parole Board’s 2018/19 Annual Report. This showed that there were:
- 4,291 deferrals/adjournments at the MCA stage;
 - 1,458 cases listed then deferred and cancelled before the oral hearing;
 - 488 deferrals on the day of the oral hearing; and,
 - 2,035 adjournments on the day of the oral hearing.
56. Based on this analysis it was estimated that the cost of duplicated work due to deferrals and adjournments could be in the region of £2.7m per year. Despite deferrals on the day of the oral hearing being the least common type of deferral or adjournment, they contribute the most to the cost of duplicate work. In contrast, MCA deferrals are relatively frequent but incur smaller duplicate costs.
57. It should be noted that this analysis was unable to examine the detailed reasons for deferrals or adjournments and thus it does not imply that all are avoidable. The numbers also include a small proportion of cancellations due to executive and compassionate release. These cases would not require duplicate work but could not be separated in the analysis.

Analysis – Prison Places Impact

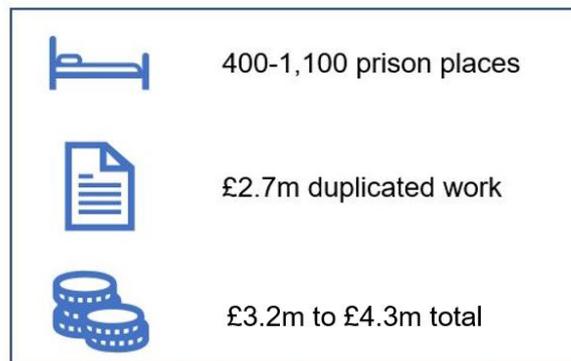
58. This same work also looked to cost the impact of deferrals and adjournments on prisons. This was harder to quantify, as delays that lead to an offender spending longer in prison may have been required to ensure that the right evidence is available on which to make a decision safely. Furthermore, the resulting outcome may be negative in any such case. Nevertheless, it was estimated that delays to release resulting from deferrals and adjournments could be costing the MoJ between £0.5m and £1.6m per year, which equates to between 400 and 1,100 additional prison

places. This assumed that the same rate of release applied for offenders whose cases had been deferred as compared to those whose had not.¹²

Analysis – Overall Costs

59. Deferrals and adjournments cause additional demand on Parole Board case management as these delays mean the Parole Board's active caseload at any one time is higher than it would otherwise be. However, it was not possible to quantify this impact. There may also be additional savings with regard to probation as, for some sentence types, spending more time in prison will result in less time on probation. Nevertheless, this analysis demonstrates that inefficiency in the system is costing somewhere in the region of £3.2m to £4.3m each year.

Figure One: Estimated Annual Cost of Deferrals and Adjournments



COMPASS Project and Other Pilots

60. To address and minimise delays in the parole process the Parole Board has already undertaken work that seeks to better understand and address the high rate of deferrals and adjournments. The COMPASS Project¹³ was launched as a pilot in April 2017 to investigate the causes of deferrals and adjournments with a view to significantly reducing them, particularly those which occur on the day of an oral hearing. It was rolled out to all Panel Chairs in 2019.
61. Initial evidence suggests that this programme has been effective in improving timeliness in the system. In September 2017, before the COMPASS Project began, of all “un-concluded” cases, 21.6% were deferred on the day of the oral hearing. By September 2019, this had fallen to 6.5%, reaching a low of 2.0% in August 2019.
62. Through this new approach, it does mean that there is now an increase in the number of cases being adjourned, with the same panels retaining ownership. In

¹² 49% of concluded oral hearings resulted in release and 13% resulted in open conditions (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818677/The_Parole_Board_for_England_Wales_Annual_Report_and_Accounts_2018-19.pdf)

¹³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818677/The_Parole_Board_for_England_Wales_Annual_Report_and_Accounts_2018-19.pdf

September 2017, 52.2% of cases were subject to an adjournment which had risen to 70.7% in September 2019. Whilst an increase is not ideal, these adjournments are viewed as purposeful and cases can then be resolved more quickly than if they had been deferred. For example, during the COMPASS Pilot, of those cases that were adjourned, 45% were then resolved on the papers without requiring an additional oral hearing. Looking at the total length of adjournments, 98% of adjourned cases were resolved within 6 months of the initial adjournment. This suggests that despite cases being delayed, they are being resolved more quickly and with less waste than they would have been had COMPASS not been rolled out to all Members.

63. In December 2019 the Board commenced a series of pilots to explore the potential to resolve determinate recall cases in a way that is more proportionate, with an increased focus on resolving cases more quickly on the papers, or via fast-track single Member panels. The case for making such a change is strong: in 2018/19 2,425 recall cases were directed to an oral hearing and just 231 people released on the papers. The review supports these attempts to identify ways of ensuring that recall prisoners receive a timelier review of their case. The restrictions on oral hearings as a result of Coronavirus has further increased the focus on a proportionate response to recall cases and there are some early signs that the restriction on face-to-face hearings is leading to more cases being concluded on the papers. Such a shift is welcomed by the review team as long as work is done to ensure that the quality and fairness of decision making is maintained and that offenders are not disadvantaged by these new ways of working. It is also important to ensure that any new ways of working do not exclude or remove victims from the parole process.

Conclusions

64. While the COMPASS Project has not resolved all the issues that cause delays within the system and ensured cases are resolved first time, it has demonstrated that the Parole Board is looking at innovative ways to reduce duplication to ensure good quality decisions are made at the earliest possible point in the parole process.
65. Nevertheless, and despite the successes of the COMPASS project, the analysis undertaken demonstrates that inefficiencies and delay are still costing the system a significant amount of money in wasted resource. As such, MoJ, HMPPS and the Parole Board must continue to work collaboratively to resolve the underlying causes of avoidable delays, or seek better ways to manage them, in order to provide a timelier service.
66. Since the Osborn judgment, some stakeholders had noted the reduction in decisions being made at the MCA stage, without resorting to an oral hearing. Whilst respecting the rights of prisoners to an oral hearing and the need to scrutinise the most difficult cases carefully, for cases that are less complex, or where the evidence is more

straightforward, the Parole Board should consider how it might make more decisions, both positive and negative, at the earliest possible stage. This should not be done in a way that risks increasing the rate of Serious Further Offence (SFO)¹⁴ or that jeopardises the public's safety, but instead should be explored in the context of future increases in the number of cases it will be required to handle.

Dossier Timeliness and Quality

Evidence

67. The timeliness and quality of the dossier of evidence submitted to the Parole Board by HMPPS' Public Protection Casework Section (PPCS) was raised as a concern by a number of stakeholders interviewed.
68. One of the reasons for delays, and one of the reasons dossiers are rejected, is the lack of specialist reports included within them. According to previous guidance, all prison based reports should be completed within 6 weeks of a parole case beginning, although Parole Board Members may then request the production of additional specialist reports at the MCA stage, and even following an initial hearing. There are further issues when cases are delayed as this can cause reports that have already been produced to become out of date, requiring an updated report to then be completed.
69. The quality, completeness and late addition of information to dossiers was of concern to many Parole Board Members and also legal representatives. Dossiers contain a thorough and detailed summary of an offender's history and are often hundreds of pages long. They include details of current and previous offences, the judge's sentencing remarks, reports by prison and probation staff, victim statements, and possibly specialist medical reports where relevant. Stakeholders noted that it was not uncommon for information to be added to the dossier very close to the date of the hearing. This meant that parties did not have sufficient time to fully analyse their content prior to the hearing, limiting their effectiveness and potentially contributing to cases being adjourned.
70. Stakeholders also suggested that if dossiers were received on time and of a high quality, confidence in their content would increase. This may then decrease deferrals and adjournments as Members would receive the information they need to make a decision and have confidence in its accuracy. As such, they may be less likely to request additional information to verify that which is already in their possession. It

¹⁴ The Parole Board measures its SFO rate by monitoring the number of offenders who are charged with a serious further offence within three years of being either released or receiving a recommendation for a move to open conditions if the prisoner has an indeterminate sentence or, for recall cases, for the period until the end of the licence.

might also mean that more decisions could be made at the MCA stage, without requiring a full oral hearing.

71. The quality of information in the dossier may improve under the Offender Management in Custody (OMiC) model. This makes changes to the relationship between probation officers and prison offender managers, and allows better, longer term relationships to develop between offenders and their supervisors. Parole dossiers will now include only one report from offender supervisors, where it currently includes two: one from the offender manager and one from the offender supervisor. This should provide a clearer, joined up evidence base for Parole Board Members to make decisions upon, taking into full account the expert opinion of professional witnesses.

Conclusions

72. Changes have now been made so that a case will not be treated as having been referred to the Parole Board until the dossier has passed the Parole Board's quality assurance processes. This is a positive step but it does not resolve the issues regarding the quality of dossiers, instead allowing the Parole Board to better manage its caseload.
73. A systemic approach should be undertaken to reviewing and revising the Parole Board dossier to ensure that its contents are sufficiently detailed for the Parole Board to base its decisions upon, reducing the need to request additional information and without including unnecessary documentation. Consideration should also be given to ensuring that its formatting is user-friendly and best supports the requirements of those who use it, including offenders and legal representatives. Some stakeholders suggested that with better quality dossiers, members would feel more supported making a decision at an earlier stage. It should be noted however, that there will always be a requirement for Members to request additional information in some cases and that a standardised dossier may not be helpful in reflecting the diversity and variation in cases that the Parole Board deals with. However, that is not to say that the current formatting could not be improved.

Directions Compliance

Background

74. Despite being a court-like body, the Parole Board lacks the attendant powers of a court or tribunal. Whilst the Parole Board can issue "directions" that require the production of evidence or the attendance of witnesses or representatives, it has no capacity to enforce them in its own right. This lack of powers compounds issues around timeliness and delay.

Analysis

75. This lack of powers was raised as a concern by multiple external stakeholders, the Parole Board Management Committee and also by more than three quarters of the Members surveyed. Under *Rule 34.4 of the Civil Procedure Rules*¹⁵ the Queen's Bench Division (QBD) can issue summonses to assist inferior courts. As the Parole Board fulfils the functions of a court these rules should apply to it and therefore the Parole Board should be able to request that the QBD issues summonses on its behalf. Although the Parole Board indicated a preference for legislative changes to increase its statutory powers, this process effectively enables the Parole Board to direct that witnesses and evidence be made available for its hearings and represents an immediate solution as it is possible within the current legislative framework.
76. Whilst there was an awareness of this opportunity in principle, the process for doing so had not been explored and was not understood. The review team held initial conversations with representatives from the QBD and legal colleagues to understand how this process would work in practice.
77. Use of these powers would strengthen the perception of the Board as being properly court-like with appropriate powers. Each summons requested from the QBD would attract a cost, so it is expected that the Parole Board would only use these powers *in extremis*, and indeed it is expected that the threat of legal sanctions alone would drive improvements to compliance.
78. Following operational changes, in November 2019 the Parole Board started directly managing the compliance with third party directions by the Police and Crown Prosecution Service (CPS) where previously this has all been done by PPCS (although PPCS will retain ownership of the enforcement of directions made to HMPPS). The Review considers this a positive step as a measure to ensure these witnesses attend hearings and comply with important directions in a timely manner. At the time of writing this report 100% of third party directions enforced directly by the Board had been completed on time.

Conclusions

79. More should be done to test whether the Parole Board can deliver improvements in directions compliance by using the *Civil Procedure Rules* to manage compliance with those directions it makes. If this does not have the desired effect on improving directions compliance, then the option of legislating to grant the Parole Board formal powers should be revisited alongside the outcomes of the root and branch review.
80. More work is also required to understand why witnesses and evidence are delayed, specifically where their attendance should be within MoJ's powers to enforce and

¹⁵ <https://www.justice.gov.uk/courts/procedure-rules/civil/rules/part34#34.4>

whether this is driven by a perception that a direction of the Parole Board has less force than a direction of a regular court or tribunal. There are likely legitimate reasons why some, but by no means all, delays occur, and these issues are unlikely to be resolved through legal obligation alone. As a minimum it would be helpful for the department to understand why specialist reports are delayed so that it can make informed decisions about how this issue can be resolved or other solutions identified which negate the impact of these delays.

81. The Parole Board should also take advantage of its ability to use these powers as a means of presenting itself as being a properly judicial body, with a status similar to other courts and tribunals. In its communications it should clearly state that there will be consequences for non-compliance with its directions.

Recommendations

The Efficiency, Effectiveness and Timeliness of The Current System
3. To support the timely delivery of hearings and to address the stubbornly high rate of delay within the parole system:
a) the Parole Board should test the use of existing powers included in the Civil Procedure Rules to ensure that witnesses and evidence are available at hearings. It should also work with the MoJ, HMPPS and HMCTS to better understand how the use of these powers might impact the wider criminal justice system;
b) the MoJ, HMPPS and the Parole Board should ensure that the current content, format and quality of dossiers supports the disposal of cases in a timely manner, and promotes quality decision making, with an emphasis on getting things right first time. If necessary, a new format should be introduced in consultation with the Parole Board User Group and the Membership;
c) the Parole Board should consider whether and how more decisions could be made more proportionately without resorting to full face-to-face hearings, whilst respecting all prisoners' rights including the need for procedural fairness and ensuring the protection of the public; and
d) the MoJ, HMPPS and the Parole Board should work together to understand the reasons why specialist reports are often delayed, and then identify possible solutions.

Member Strategy

Background

82. The Parole Board has two key sets of people resources: its 125 members of staff, who are directly employed to deliver its management and administrative functions, and 269 Parole Board Members, who deliver the judicial aspects of the organisation's functions as public appointees.
83. Where cases progress to an oral hearing, decisions are made by a panel consisting of between one and three Members. The composition of these panels will vary depending on the complexity and specifics of a case but they may include Members with:
- a judicial background¹⁶ (of which there are 56);
 - specialist psychologist or psychiatric qualifications (of which there are 42 and 20 respectively); and
 - independent Members (of which there are 151).

All panels will, however, be led by an accredited Panel Chair who has undertaken specialist training to fulfil this role.

84. The review team recognises the committed work of the Parole Board's Membership and acknowledges that the continually low SFO rate demonstrates the robustness of its decision-making. The role of a Member involves making difficult decisions, often whilst working on distressing cases. Their willingness to undertake this role demonstrates their commitment to public service which is to be commended. Where issues have been found within the Membership, there is little evidence to suggest that they are widespread.

Summary of Issues

85. There are a number of areas in which the way that the Parole Board manages the resourcing, performance and oversight of its Membership could be improved upon. This includes increasing the number of accredited Panel Chairs, the terms of appointment of its Members (including tenure and fee structure), Member learning and development, and better monitoring Member performance and sitting levels.

¹⁶ These members must be either a retired High Court Judge, a Senior Circuit Judge, or a Circuit Judge who retired in the three years preceding the closing date for applications. Since 2019, the Parole Board also uses more sitting judges at its hearings.

Panel Chairs and Fee Structure

Problem

86. The Parole Board is currently struggling to attract the number of Panel Chairs it needs to meet the rising demand for oral hearings. At the moment, the Parole Board has 90 accredited Panel Chairs to manage roughly 8,000 oral hearings per year. It estimates that, due to its increasing caseload, it will need to raise this number to 135 over the next 18 months. It should also be noted that according to current tenure arrangements (covered in more detail in paragraph 99), 60 of the current Panel Chairs' tenure, will come to an end in Autumn 2022. Without an increase in the number of Panel Chairs, a backlog of cases will develop as the Parole Board will not be able to convene the number of panels that it requires or has budgeted for. Furthermore, it is important that it retains sufficient experience to ensure the high quality of decision-making is safeguarded and this issue does not detrimentally impact the continually low SFO rate.
87. Linked to this, the shortage of Panel Chairs has increased their workload which partly explains the reluctance of some Members to undertake this additional role. Not resolving this issue quickly will undermine the Parole Board's operational efficiency, add to backlogs and potentially increase the pressure on prison places, resulting in additional compensation payments to offenders and worsening delays within the system.
88. The last review of Parole Board fees was undertaken in 2015. Much has changed in the intervening period such that the current fee rates do not necessarily support the current operating model or incentivise decision making. 72% of Members surveyed indicated that they felt that the current terms of appointment, including fees, were inadequate, specifically highlighting concerns regarding fee rates for MCA work and chairing oral hearings.

Evidence

89. The number of oral hearings delivered by the Parole Board has risen significantly over the past 15 years. In 2004/5 the Parole Board carried out 1,341 oral hearings¹⁷ which had risen to 8,264 in 2019/20; an increase of 616%. This was due in part to the *Osborn* Supreme Court judgment but also as a result of a general increase in the number and categories of cases that the Parole Board deals with. The Parole Board now considers the number of outstanding cases to be stable, following its elimination of the backlog in previous years.

¹⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/231477/1661.pdf

90. As discussed at paragraph 60, the Parole Board has implemented new ways of working via the COMPASS Project which aims to minimise and better manage its deferrals and adjournments of cases. One consequence of this approach, however, is that the workload for Panel Chairs has increased; they are now required to undertake a more proactive case management approach, as well as additional case preparation (including case conferences), the issuing and enforcement of directions, and writing decision letters following a hearing. This means that the role of a Panel Chair is notably more demanding than it was when the current fees structure was agreed.
91. Whilst the workload differential between a Panel Chair and a co-panellist is significant, this is not reflected in the comparative remuneration for the roles, which can act as a deterrent for Members seeking accreditation as a Chair. Where two cases are heard in a day, an independent Chair will receive £683 compared with £440 for a co-panellist. A specialist Chair will receive £703 compared with £475 for a specialist co-panellist. Putting it succinctly, one Member explained, “*the pay does not appear to me to be adequate to compensate for the significant extra burden of work.*”
92. The fees structure is also causing additional impacts on other parts of the Parole Board’s operating model with current challenges to the numbers of Members undertaking MCA work for determinate recall cases. In these cases, members are expected to undertake an MCA assessment within a nominal time allocation of one hour. This includes reading roughly 150 pages about the prisoner and writing a legally defensible decision as to whether imprisonment is necessary for the protection of the public. In the short-term, the Parole Board has agreed a temporary increase in the fees paid for this type of work, which has driven up the number of members undertaking this work, but this needs to be reviewed and regularised in the longer term to ensure it addresses the underlying issues with regard to the fee structure and how it deals with its recall caseload.
93. Parole Board Members are also consistently reporting that it takes much longer to complete the MCA assessment and make a decision on an offender’s liberty. In the survey of Members, 53% of respondents indicated that it now takes at least twice as long as the time originally allowed. Outcomes at MCA and feedback from the Member’s Representative Group suggest that the current time allocated for MCA determinate recall cases encourages sub-optimal outcomes, where the bulk of decisions are deferred or are directed to an oral hearing.

Analysis

94. In 2018/19 the Parole Board had 84 accredited Panel Chairs. This meant that on average, each Panel Chair was responsible for delivering 94 oral hearings which equates to roughly two per week. There is therefore little additional capacity for the existing panel Chairs to oversee further hearings, as each case requires significant

work to be delivered before and after the hearing itself, and the role of a Parole Board Member is notionally part-time with Members having to be available for only 115 days a year.

95. With regard to MCA work, the fee structure is currently based on the assumption that reviewing a standard determinate case takes one hour, compared with the two hours it takes to resolve cases relating to annual reviews and indeterminate sentences. As such, the latter attracts twice the fee of the former. Members are of the view that this does not reflect the reality of the situation, and that, consequently, the current fee arrangements are inappropriate. The agreed temporary fee increase is based on an estimate that standard determinate recall cases should actually take 90 minutes to resolve, and the temporary fee has changed to reflect that.

Conclusions

96. The current fee arrangements appear to be impacting the Parole Board's ability to deliver its core functions which will have both an operational and financial impact on the Parole Board and the wider criminal justice system. The review team is of the view that current remuneration arrangements are no longer appropriate.
97. Additional work is required to ensure that the Member fee structure represents the optimal arrangements, encourages appropriate behaviour and best supports operational delivery. There may be opportunities to use the existing fees budget in a more targeted way and these should be explored.
98. The review team considers the Parole Board best placed to determine what fee arrangements best supports the delivery of its functions but the final proposal must have the agreement from the Secretary of State, in accordance with Sch. 19 of the Criminal Justice Act 2003.¹⁸

Tenure

Problem

99. The Wakenshaw judgment concluded that, given the Parole Board's quasi-judicial status, a short tenure reduces the body's independence particularly when combined with the Secretary of State's ability to remove members without recourse or appeal. This has since been addressed by lengthening Members' initial term of appointment from three to five years, and through the creation of a protocol governing the removal of Members. This protocol requires the Secretary of State to empanel a small independent committee to determine the appropriateness of termination of any Members. A referral under the protocol can be made either by the Secretary of State

¹⁸ <http://www.legislation.gov.uk/ukpga/2003/44/schedule/19>

or by the Parole Board Chair. The review team is keen to complement this work by proactively addressing the tenure issue to limit the possibility of future problems.

100. Before the Tailored Review commenced, the Parole Board Management Committee indicated a desire to amend the tenure of its Membership to ensure it could meet future business needs and reaffirmed this position as part of engagement with the review team. Where Members are currently appointed for five years and can be reappointed for a further five years, subject to good performance, this proposal would allow Members to be reappointed for a third period of five years. However, this additional reappointment would only be possible provided that Members agreed to undertake Panel Chair accreditation and were still performing satisfactorily. Following the expiration of this 15-year period, Members would not be eligible for reappointment and would not be eligible to reapply, effectively capping the tenure at a maximum of 15 years.

Analysis

101. As mentioned at paragraph 86, the Parole Board is struggling to encourage Members to undertake the accreditation needed to become Panel Chairs. In addition, 60 of the current chairs will come to the end of their 10-year tenure by the autumn of 2022 unless tenure is increased. As such, the Parole Board is of the opinion that changing the current tenure arrangements and allowing Panel Chairs to remain in post for an additional five years would both incentivise Members to become Panel Chairs, whilst allowing the Parole Board to retain those Panel Chairs it has already trained. Combined with possible changes to the Member fee structure, this should make the role more appealing and begin to address the forecasted shortfall before it impacts operational delivery too badly.
102. Allowing a maximum 15-year term for Members could be seen as restricting the Parole Board's ability to improve the diversity of its members, by limiting the opportunity for member turn-over. However, the Parole Board and the MoJ have recently had considerable successes in making improvements to the diversity of the Membership. They now have a successful blueprint for ensuring the appointment of new Parole Board members is diverse and reflects the communities it serves, see paragraph 104 onward for more details.

Conclusions

103. The review team supports the Parole Board's view that a 15-year maximum term strikes the correct balance between allowing the Parole Board to retain the expertise and skills required to achieve its key strategic aims whilst also refreshing its membership at regular periods. Reappointment following the initial 5-year tenure would continue to be subject to members receiving satisfactory performance appraisals, with the current appraisal process also being strengthened to ensure that

it is appropriately rigorous and robust. As mentioned previously in this report, the Parole Board urgently needs to increase its cohort of Members that are accredited to chair hearings and extending Member tenure is a critical part of the strategy to ensure it is resourced to meet increasing demand. The extensions of Member tenure beyond ten years would need to be notified to the Cabinet Office and the Commissioner for Public Appointments in line with the Governance Code, but given the pressures facing the Parole Board, the Parole Board's suggestion seems reasonable and is supported by the review team.

Diversity

Problem

104. The diversity of the Parole Board's Membership has always been a significant issue with fewer than 5% of the Membership identifying as coming from a Black, Asian and Minority Ethnic (BAME) background when the review was launched in February 2019. However, following a concerted focus on improved outreach, the Parole Board's latest recruitment campaign has significantly improved the organisation's diversity. Of those candidates recommended for appointment, 48% identified as coming from BAME backgrounds. Once all have joined, these appointments triple the number of individuals who identify as BAME bringing the overall number to nearly 13% which is much more representative of the general population. This cohort of Members was set to undergo initial training in two phases; the first took place in September 2019 but the second in March 2020 was postponed due to Coronavirus.
105. It should be noted that across its staff and management, the Parole Board does reasonably well with regard to diversity. As at 31 March 2020:
- the Management Committee was made up of nine members: three female and six male;
 - 67% of its staff members were female, and 33% were male;
 - of those staff who declared their ethnicity, 52% of were white and 48% were BAME; and
 - of those who declared, 9% of staff and 17% of members identified as having a disability.
106. Hearings must be conducted in a fair inclusive manner and the Parole Board should continue to respond to the Lammy Review which reported: "*The MoJ and the Parole Board should report on the proportion of prisoners released by offence and ethnicity. This data should also cover the proportion of each ethnicity who also go on to reoffend.*"¹⁹

¹⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

Analysis

107. The 2019 recruitment campaign for independent Members, was focussed on the North East and North West of England and particular effort was taken to ensure that applicants came from diverse backgrounds. Both Caroline Corby and Martin Jones, the Parole Board’s Chair and Chief Executive respectively, undertook a significant amount of outreach both before and during the campaign to encourage applications from candidates who may not have otherwise given consideration to public appointments or working with the Parole Board. The review team commend the focus of the Chair and Chief Executive in striving to improve the organisation’s diversity.
108. The campaign was conducted using the equal merit provision in the Equality Act 2010.²⁰ When assessing candidates of *equal* merit, this provision allows a vacancy holder to take into consideration whether one of them is from a group that is disproportionately under-represented or otherwise disadvantaged in that workforce. In other words, where two candidates were found to be equally suitable, the Parole Board was permitted to appoint the candidate which best helped it address its lack of diversity. The Parole Board and MoJ Public Appointments Team should be applauded for taking this proactive and novel approach.
109. The Review notes positively that the Parole Board does now include a breakdown of its decision outcomes by ethnicity in its annual report, as recommended by the Lammy Review. The results for 2019/20²¹ are shown in Table Three.

Table Three: Parole Board Release Rates by Offender Demographics

Offender Demographics	Released	Recommended for Open	Negative
Asian	49.0%	11.4%	39.6%
Black	49.4%	14.8%	35.8%
Chinese & Other	60.0%	6.7%	33.3%
Mixed	53.4%	11.2%	35.4%
White	50.9%	12.7%	36.4%
Average	50.8%	12.8%	36.4%
Male	50.4%	12.7%	36.9%
Female	64.1%	15.2%	20.7%

²⁰ Section 159 (Positive action: recruitment and promotion) Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

²¹ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902631/Parole Board Annual Report Accounts - 19-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902631/Parole_Board_Annual_Report_Accounts_-_19-20.pdf)

110. The Parole Board has a diversity strategy and an Equality and Diversity Group constituted of both Members and staff and chaired by the Parole Board Chair. This strategy is built into the Parole Board's business plan and actions to implement it are included in its annual report.
111. The review team did however receive concerning feedback from some offender representatives that offenders were reluctant to make complaints about the conduct of Members at hearings as they were concerned that this might either be held against the individual or against the representative at future hearings. This suggests that the complaints process could be more transparent and that the Parole Board could more proactively seek formal feedback from its stakeholders, on top of the engagement it already has with the Parole Board User Group.²² It should also ensure that its whistleblowing policy is communicated to its staff and Members and it should be routinely reviewed to ensure it is accessible, effective and that users have confidence in its application.

Conclusions

112. Reporting on release rates by offender ethnicity is a progressive and transparent step that the Parole Board has taken. Differential outcomes based on race would be entirely unacceptable and a person's ethnicity should have absolutely no bearing on the decision that a Parole Board panel makes, whether consciously or otherwise. Were this to occur, it would undermine the credibility of the Parole Board, the wider criminal justice system and the Rule of Law, reducing trust and confidence in the whole system. The above figures appear to confirm that the Parole Board's decision making is based solely on the facts and the variance with regard to "Chinese & Other" offenders was explained as resulting from the fact that there are fewer of these offenders in prison. However, the Parole Board should continue to work with HMPPS and the MoJ to maintain important scrutiny in this area.
113. The review team recommends that the Parole Board redoubles its efforts to continuously encourage reporting of instances of unacceptable behaviour ensuring any allegation is fully investigated with appropriate and proportionate outcomes. The Parole Board should encourage feedback from system users and ensure that they are aware of existing complaints and whistleblowing procedures. Where possible, the outcomes of reports and complaints should be made public.
114. With regard to improving the diversity of the Membership, the 2019 recruitment campaign was a collaborative success, attracting applicants from many different cultural backgrounds. It is important that the Parole Board maintains that focus and

²² The Parole Board User Group brings together stakeholders, both internally and externally, who work in the parole system to discuss and resolve operational issues within the parole system.

the review team welcomes the Parole Board's intention to adopt the same approach in future recruitment campaigns.

115. Previous recruitment campaigns have sought to recruit large numbers of members infrequently. This has resulted in large numbers of experienced Members leaving the organisation at the same time. This creates a strain on the Parole Board as it results in many new Members requiring training at the same time, diverting resources from operational delivery. It also represents a significant and sizeable loss of corporate knowledge and expertise. The Parole Board now plans to recruit each year. The next campaign was launched in June 2020 with new Members undergoing training from late Autumn 2020 (subject to possible delays as a consequence of the Coronavirus pandemic). This is something that the review team supports.

Member Performance

Problem

116. The Parole Board is a decision-making body and the quality of its decisions relies extensively on the quality of its membership. Some members of the Parole Board User Group raised anecdotal concerns about the quality of some of the most recent cohort of Parole Board Members, and whether they were appropriately prepared to conduct hearings. This was supported by a number of Members who responded to the survey and indicated that they would like to see the training and quality assurance regimes strengthened. Since the survey was conducted, the Parole Board has made changes to its learning and development offer and is planning changes to its Member appraisal practices, as outlined below.

Analysis

117. The concerns around Member quality were largely anecdotal and do not appear to be widespread or supported by available data. That being said, the Parole Board is already planning to update its Member appraisal and learning and development processes.
118. At present Members are appraised in a variety of ways and at different points in their tenure depending on what types of work they are undertaking. The reappointment of Members following the expiration of their initial 5-year tenure is subject to a satisfactory performance appraisal. However, there is no single system that tracks and stores all the data that pertains to an individual Member's performance and appraisals. Instead, this information is spread across multiple systems, limiting the ability of the Parole Board to properly understand the effectiveness of its Membership.
119. The Parole Board has recently implemented a programme of required learning which the review team supports but a commitment to this should be outlined in the terms of

appointment so that attendance can be compelled if necessary. The first topic that was covered was “effective questioning” and all Members were obliged to attend. Future sessions will be focused on terrorism, extremism and radicalisation. In addition, separate training will be given on “unconscious bias” to ensure that Members are aware that they may have biases, both racial and otherwise, of which they may be unaware. This, coupled with an increase in the diversity of the Membership, should go some way to ensuring that the organisation is more confident in dealing with issues regarding equality.

120. These changes will be underpinned by a new IT system that the Parole Board is developing; the Member Activity Review System. This will support better quality assurance, track learner records and provide performance data in a way that is visible to both management and Members. Information will be available in real-time which will enable the Parole Board to understand its performance at any given moment and implement any changes or improvements as might be required.
121. This IT system will support the use of a new Quality Assurance Framework which was designed to integrate a range of records on member activity, accreditations and quality assessments. A consolidation of performance and accreditation information will allow the Board to implement Member portfolios and help direct Members through the accreditations necessary to progress their tenure. This new system should allow effective implementation of a more transparent appraisal and poor performance escalation process, in support of more rigorous and robust performance appraisals as required under the Governance Code for Public Appointments.

Conclusions

122. The review team did not find evidence of any issues with regard to the robustness of Parole Board decision-making. That being said, the fact that the above issues were raised is of concern and these reports should not be dismissed out of hand. On that basis, the review team is supportive of the changes being made, particularly with regard to the new IT system. These improvements should further enhance Member performance by allowing the Parole Board to better understand the effectiveness of its Membership and highlight where issues might be occurring. This will then allow the Parole Board to tailor the support, training and guidance it offers its Members.
123. The changes outlined above are ambitious in terms of scope and design, and the Parole Board should ensure that it delivers them at pace given their obvious importance. The Parole Board should also seek to keep its mandatory training programme under review, including the development of e-learning modules, to ensure that it continues to address problem areas and delivers absolute value.

Recommendations

Membership Strategy and Diversity
The Parole Board should refresh and then publish its strategy for its future Membership needs. This should include policies for how Members are recruited, trained, appraised and remunerated. Specifically, the strategy should include the following changes:
a) the Parole Board Management Committee's proposal to reform the tenure of Members should be implemented. This would allow Members to be appointed for a maximum of three periods of five years, subject to receiving satisfactory performance appraisals. There should also be a clear expectation that Members would undertake accreditation to become Panel Chairs and would only be eligible for reappointment on that basis. This would then allow more Members to sit as both chairs <u>and</u> co-panellists resulting in more effective and equitable deployment of member resource;
b) the Parole Board should undertake a review of its fee structure to ensure that Members are appropriately remunerated for their work. Particular attention should be given to how the fee structure might incentivise Members to undertake less popular and time-consuming duties such as determinate recall cases, Member Case Assessment work, and chairing oral hearings; and
c) the Parole Board should build on its programme of mandatory learning for Members. If beneficial, a commitment to undertaking this learning should be built into Terms of Appointment.
Historically, the Parole Board has had an issue with the diversity of its Membership. Whilst good progress has been made, this should continue to be addressed in the following ways:
a) the Parole Board should update and regularly re-publish its diversity strategy. This should include its approach to recruitment, Member training and appraisal;
b) further consideration should be given to the training and support needs of Members to ensure that they are able to deal with racial and cultural issues in both a confident and sensitive manner; and
c) the Parole Board should work with HMPPS and the MoJ to continue to monitor and understand any differentials in its release rates.

Oversight and Assurance

Background

124. Despite recent improvements to the way that delivery bodies within the parole system work together, more still needs to be done to improve ownership of, and accountability within, the system, as it is currently structured in a way that does not always demonstrate joined-up and collaborative working. Parole is a complex system with multiple handoffs between delivery organisations, requiring an exceptional level of collaboration between those involved in it. This complexity can make it vulnerable, as relatively small changes in one area can have considerable impacts both up and downstream, and on other essential parts of the system. Linked to this, there are often challenges in the parole process where ownership does not fall definitively to one particular organisation or policy area and it therefore becomes more difficult to resolve, (this was demonstrated in Table Two on page 25). These issues often compound each other and create delays and inefficiencies across the parole system.
125. That being said, the Coronavirus pandemic has shown how effectively the system can work together to deliver meaningful change at pace. As the system begins to recover and returns to normal, these successes should be viewed as the foundations for further enhancements, and an opportunity to provide for additional co-ordination at a strategic level.
126. The system also lacks sufficient third-party assurance as parole falls outside the primary scope of both HM Inspectorate of Prisons and HM Inspectorate of Probation, and GIAA currently has a narrow, but deep, remit within the Parole Board. Given that parole is one of the key gateways between prisons and probation, this seems anomalous.
127. It should be noted that if the Parole Board's structure and constitution was to change significantly following the outcomes of the root and branch review, this area would need to be considered again in line with those changes.

Oversight

Problem

128. At the moment there is a lack of strategic oversight, ownership and co-ordination of the end-to-end process which makes it harder for parole to operate as a unified, single system rather than as a number of individual systems working adjacent to one another. Whilst the review team saw positive examples of what can be achieved by

the system working collaboratively toward a common goal, the current governance structures arguably hinder rather than promote this type of working. If this was addressed, it would then reduce the challenges of adequately measuring and assuring performance, including with regard to timeliness, across the whole system and embedding fundamental changes that improve the parole process for its users.

Analysis

129. To deal with the implementation of the outcomes of recent reviews of the Parole Board, a cross-organisational steering group was established at an operational level. This facilitated better dialogue between delivery organisations, encouraged more joined-up and collaborative working, and promoted collective problem solving. It also meant that the up and downstream consequences of changes were better understood, resulting in improved outcomes. This working group has assisted in making tactical, operational improvements to the current system, but has not necessarily addressed the more strategic issues around how the parole system should work, what functions it should deliver and how it can be further improved to promote greater effectiveness and efficiency.
130. As already discussed in the section relating to timeliness and delay, there are many issues across the wider system which the Parole Board cannot fix in isolation, and potentially where attempting to resolve the issue unilaterally could worsen issues elsewhere in the system.

Conclusions

131. The review team concluded that the system would benefit from the creation of a strategic cross-departmental board to take ownership of the end-to-end parole process. The Parole System Oversight Board (PSOB) would set the strategic direction for delivery partners, including the Parole Board, to resolve challenges in the parole system by commissioning research and change programmes to make systemic improvements. The newly established Board constituted by the senior leaders of relevant organisations would:
- support system-wide thinking and promote better collaboration amongst all stakeholders and system users, including victims;
 - set the strategic direction for the whole parole system;
 - set targets across the system;
 - commission improvement work; and
 - agree a programme of third-party quality assurance as described in paragraph 133.
132. Robust Terms of Reference would need to be drafted setting out its roles, responsibilities, membership and deliverables. However, these arrangements should not undermine the Parole Board's independence and the Parole Board should be

represented as an equal partner. This should not replicate the issues that were highlighted in the *Brooke* judgment in 2007/8.²³

Third Party Assurance

Problem

133. Despite recent media attention, it could be argued that the parole process has potentially been hampered by a lack of informed third-party scrutiny. Often focus is placed solely upon the Parole Board, as the ultimate decision maker, instead of consideration of the system as a whole. Similarly, whilst different delivery organisations each undertake their own performance and quality assurance, this does not support any greater insight or understanding of systemic issues or impacts on other delivery bodies.

Analysis

134. Additional assurance could follow a model similar to that of the Independent Chief Inspector of Borders and Immigration (ICIBI), who considers the overall effectiveness of the immigration system without reviewing or commenting on individual cases, and whilst respecting judicial independence. The ICIBI aims to assist in improving the efficiency, effectiveness and consistency of the Home Office's border and immigration functions by providing rigorous and robust inspections, delivered independently of government, and producing detailed and evidence-based reports.

135. There are a number of ways that this additional assurance could be provided. This could involve an inspection regime being delivered by either HM Inspectorate of Prisons or HM Inspectorate of Probation, or it could expand upon the Government Internal Audit Agency's (GIAA) existing remit. Which organisation is eventually asked to deliver this assurance will depend on what precisely is deemed to be in scope of the first assurance exercise as each body has differing specialisms.

Conclusions

136. The review team is of the view that the lack of external scrutiny within the parole system should be remedied. This was a view that was supported by a number of stakeholders, both within and outside of the department, including the Parole Board executive and the Parole Board's Chair.

137. A transparent process for providing additional impartial scrutiny of the system should drive up public confidence by providing further assurances to the public of the effectiveness of the system, help to identify cross-system issues, and recommend solutions to improve the overall parole process. As Parole Board decisions are

²³ <https://www.bailii.org/ew/cases/EWHC/Admin/2007/2036.html>

inherently judicial in nature, additional scrutiny should fall upon the system and not seek to review individual decisions as these should only be reviewed through the appropriate legal means.

Transparency

Background

138. The *Review of The Law, Policy and Procedure Relating to Parole Board Decisions* considered the transparency of Parole Board decision making. Following publication of that review, the Parole Board Rules were amended to allow for the release of decision summaries which outline the reasons why a panel arrived at a particular decision. This was a significant step toward opening up the parole process and allowing the public to better understand how decisions are made. More than 3,000 summaries have now been issued and almost all victims in the parole process will receive them as a matter of routine. In recognition of its work to open up the parole process the Parole Board was awarded the *Association of Paroling Authorities International's CARE Award*.²⁴ Despite these recent improvements, there remains a desire to further improve transparency including considering whether parole hearings should be public.

Analysis

139. In response to the survey of Members, 70% felt that the Parole Board is already sufficiently transparent in the way that it makes its decisions with 30% considering that the Parole Board could be more transparent. Some respondents felt that the process is not well understood generally, and that more could be done to increase public awareness through better explanation and greater outreach.
140. The Parole Board has already taken steps to improve understanding by launching YouTube guides for the public and victims and is already working to make additional improvements. For instance, it is actively working with the Victims' Commissioner to facilitate improved access to hearings for victims, including considering alternative methods by which victims can read their personal statements. Work across the MoJ network is also being undertaken to review the Victim Contact Scheme, particularly focusing on how victims opt in and how they receive communications in future. This, combined with improved information on the Parole Board's website, is designed to make parole easier to understand and improve the service offered to victims.
141. Similarly, the Parole Board now issues decision summaries to victims and the media, and publishes its reconsideration decisions on Bailii.²⁵ This gives the public access to the rationale of how and why the Parole Board arrived at its decisions and should

²⁴ https://twitter.com/Parole_Board/status/1113354093458857984

²⁵ <https://www.bailii.org/recent-decisions.html>

improve public understanding of the parole process. The Parole Board, and particularly its Chief Executive, undertakes an extensive amount of external engagement, including regularly producing articles and publications, and undertaking media interviews.

142. The Parole Board has also indicated a willingness to allow the media greater access hearings and has commissioned a TV documentary to better explain how parole works.²⁶

Conclusion

143. Recent media coverage has highlighted that the role of the Parole Board is not well understood by the public. To address this, it should continue to seek to be as transparent as possible, without compromising the effectiveness or independence of its decision making. It should also continue to make efforts to improve the public's understanding of how parole works and how effective its decision-making is.
144. The changes and improvements already made by the Parole Board are to be welcomed as a first step to making parole more transparent. The review team is supportive of the plans to allow media access to hearings and to broadcast a TV documentary as this should improve public understanding of its role. Similarly, the review team commends the balance that has been struck between increasing transparency whilst maintaining the integrity of the hearing in support of promoting quality decision making, but there is potential for this to go further. This will be explored in the forthcoming root and branch review of the parole system, with specific consideration given to the desirability and feasibility of increased public access to hearings, a greater role for victims and, in general, determining the required level of privacy within hearings.

Parole Board Decision Making and Quality Assurance

Background

145. The Parole Board has a continually low SFO rate, which has been at or below 1% for a number of years. It should be noted that Parole Board calculates its SFO rate at the point that someone is charged with a qualifying offence. In around half of these cases the charges are subsequently either withdrawn or downgraded to below the SFO threshold or the prisoner is acquitted. The Parole Board therefore records its actual, proven SFO rate as being closer to 0.5%.
146. Each year less than one in four prisoners whose cases are reviewed by the Parole Board are released. Approximately half of prisoners are turned down at the paper

²⁶ [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830884/Parole Board Business Plan April 2019 - September 2020 and Strategy 2018-2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830884/Parole_Board_Business_Plan_April_2019_-_September_2020_and_Strategy_2018-2020.pdf)

stage. The remaining half are sent to an oral hearing. At an oral hearing the Parole Board still directs that roughly half of offenders should remain in prison following a hearing. For example, in 2019/20 it directed release in 51% of those cases it concluded, with 38% refused and 13% recommended for moves to open prison.²⁷ This suggests that as an organisation it is effective in the decisions it makes and that the public should have confidence that it is effectively fulfilling its primary purpose of ensuring that it only releases offenders when it is safe to do so. However, every SFO represents a tragedy for the victims involved so it is important that the Parole Board does not become complacent, and continues to learn appropriate lessons from each incident via its Review Committee.²⁸

147. Among some stakeholders, however, there was a view that the Parole Board does not appropriately assure its own performance and that training could be improved. As much of Member training is based around peer-to-peer knowledge exchanges, a large recruitment campaign has the potential to put strain on existing Members with regard to training those newly appointed. On that basis, the review team sought to assess the current internal quality assurance processes to ensure that the Parole Board is able to properly understand its effectiveness and can measure the performance of its members.

Analysis

148. Beyond the work that the Parole Board does to assess the individual performance of its Members, it also delivers other quality assurance work to ensure that it continues to deliver effectively. Specifically, it has a Review Committee, which includes independent external members, that considers cases where offenders are released by the Parole Board but go on to be charged with a serious further offence within three years of either the Parole Board's decision to release or its recommendation to move the offender to open conditions for prisoners serving an indeterminate sentence. For prisoners with a determinate sentence, the qualifying period is until the end of that prisoner's licence.
149. The Review Committee also assesses release decision letters to determine whether the decision to release or progress an offender was reasonable and justifiable at the time the decision was made. It also identifies possible trends or learning points that can be taken from these decisions. In future, these themes will be published twice a year alongside learning from other quality assurance mechanisms. Stakeholders viewed the Committee favourably, and evidence suggests that it appears to work well as shown by the continually low SFO rate.

²⁷ <https://www.gov.uk/government/organisations/parole-board/about>

²⁸ <https://www.gov.uk/government/organisations/parole-board/about/our-governance#review-committee>

150. Other quality assurance work is also delivered within the Parole Board. For example, a 10% sample of all decision summaries undergo a quality assessment, delivered by experienced Members. Feedback from this exercise is used to improve the processes and guidance that support the writers in completing these summaries. Similarly, following the implementation of the Reconsideration Mechanism, Members have been provided with a self-assessment checklist for decision letters to ensure that these meet the required standards and follow a consistent format and structure.
151. The Parole Board also has a complaints handling procedure. 2019/20 it received 122 complaints and the three largest complaints category were:
- a. Delays (53);
 - b. Member practice (52); and
 - c. Admin errors (6).
152. Of those 122 complaints received, 67 were resolved in year and 26 were either fully or partially upheld (this equates to roughly 38%). Complaints do not currently form part of any Member assessment, but the outcome of every Member conduct or practice complaint is shared with the relevant Member and stored on their personal record. Changes to the Parole Board's IT system should mean it is easier to incorporate complaints into the performance management processes. Complaints data is also used to shape training and guidance in order to minimise the risk of issues reoccurring.

Conclusion

153. The amount of quality assurance being delivered by the Parole Board is commendable. However, efforts should be made to ensure that these methods of assurance are sufficiently comprehensive, rigorous and appropriately challenging. Following the implementation of its new assurance system, the Parole Board may wish to consider whether its current methods remain appropriate and relevant, and whether any new opportunities to assure the quality of Parole Board decision-making emerge, whilst balancing the fact that these are judicial decisions. It should also consider the extent to which it publicises the results of its quality assurance measures to further improve transparency within the system.
154. There was little quantitative or qualitative evidence that supports stakeholder views that indicated a decline in quality. However, these reports should not be dismissed. Improvements to training arrangements and performance management processes should identify and resolve any issues with regard to the perceived quality of individual Members' decision-making. This would be further supported by the Parole Board proactively seeking additional feedback from stakeholders and underpinned by its new assurance IT system.

155. As already mentioned, the Parole Board should also ensure that its complaints and whistleblowing practices are well signposted and understood by relevant parties. A proactive approach to collecting stakeholder feedback would also assist in this area.

Recommendations

Oversight and Assurance Within the Parole Board and of the Parole System
In order to ensure that parole operates effectively as a single system, oversight and strategic ownership of the system should be improved whilst respecting the independence and judicial nature of Parole Board decision-making. This should be done by:
a) creating a strategic board to take ownership of the end-to-end parole process. The delivery bodies within the system would be accountable to the board for proactively identifying and then resolving challenges in the parole system. The board would also be responsible for delivering a cohesive strategic vision for parole such that any future reform is carried out with a specific end goal in mind, rather than in response to individual cases and changes to case law; and
b) implementing a regime of additional third-party assurance on the system to be carried out by a relevant scrutiny body, such as Her Majesty's Inspectorate of Probation, or the Government Internal Audit Agency. This assurance should evaluate the efficiency, effectiveness and timeliness of the end-to-end parole process but should not consider whether individual decisions were correct as these are judicial in nature and rightly taken independently of government.
For the public to have confidence in its work, the Parole Board should ensure that it can evidence the quality of its decision-making. This should be done in the following ways:
a) in line with existing plans, the Parole Board should continue to improve its quality assurance processes to promote confidence in the system and build a culture of continuous improvement. Proposed changes should be implemented in a timely fashion, supported by the MoJ where required; and
b) the Parole Board should find ways of proactively collecting anonymised feedback from system users, including lawyers, offenders and witnesses, to ensure that it has a good understanding of where its processes, performances and practices may need to be improved. This data should be transparent and published.

Relationship with Department

Background

156. As a Non-Departmental Public Body, the Parole Board sits within the wider MoJ network. Whilst it delivers its functions independently of government, it is ultimately accountable to Parliament for both its operational and financial performance, but not the outcomes of individual decisions. As such, the review explored the effectiveness of the Parole Board's relationship with its sponsoring department, as well as considering its internal governance arrangements.

Governance Arrangements

Governance Assessment

157. The review team undertook an assessment of Parole Board governance arrangements in line with Cabinet Office's good practice indicators (see Appendix C for details). Of fourteen areas, nine were rated green with the remainder rated as amber. This indicates that while there are no areas of particular concern, improvements could be made. The amber areas were:

- Resources are available to support the body in fulfilling its remit;
- Key supporting documents should be in place and up to date;
- The body collaborates proactively to add value;
- There is a recruitment and appointment strategy that promotes diversity and maintains the skills and capacity of the committee in both the immediate and longer term; and
- There should be a presumption of openness and transparency.

The only area not considered in greater depth elsewhere in this report is that of the Framework Document. This will therefore be considered below.

Framework Document

158. The latest Framework Document, which underpins the relationship between the Parole Board and the MoJ, was published in July 2012.²⁹ Cabinet Office guidance suggests that this document should be formally reviewed and refreshed every three years *as a minimum*.³⁰ Given the level of change within the Parole Board and the

²⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/320248/framework-moj-parole-board.pdf

³⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594345/Partnerships_between_departments_and_arm_s_length_bodies-code_of_good_practice.pdf

parole system, there are areas which were clearly out of date and which required additional attention.

159. An updated document has recently been produced and agreed with the Parole Board, but has not been formally signed off and published so that it could take into account possible changes emerging from recent reviews. Following the conclusion of this review, the revised Framework Document should be finalised and published.
160. This document should also consider other areas where the relationship between the Parole Board and the MoJ has changed significantly. A commitment should also be made to reviewing this document on an annual basis, with a full refresh taking place every three years.

Corporate Support

161. In 2018/19, the Parole Board received grant in aid funding of £18.1m, down from £19.6m in 2017/18. Of this, £13.4m was used to meet the costs of its staff and Members, which equates to almost 75% of its overall spending. This increased to £18.6m in 2019/20 and will increase again to £20.9m in 2020/21. As a relatively lean organisation that has already made efficiencies whilst dealing with an increasing caseload, the Parole Board has rightly focused on funding its operational delivery. However, that means that there may be scope for the MoJ to provide additional corporate support.
162. There are a number of areas where the Parole Board has indicated that it may benefit from additional or improved support, particularly where these require specialist skills or where the demand is not sufficient to justify directly employing someone to deliver this function. Specifically, this relates to data analysts but other corporate support should also be considered.
163. The Parole Board has access to a wealth of data from across the prison and probation system but would benefit from additional support in ensuring that it makes best use of this data. Similarly, there would be benefits in ensuring that the MoJ is able to make use of appropriate Parole Board data. This would facilitate a better understanding of the prison population, improved information about the effectiveness of release policy, and should allow for better costing and modelling to be undertaken. It should also highlight trends across the system and facilitate improvements to systemic performance.
164. Having also worked with MoJ analysts, the review team is of the view that the Parole Board's internal analytical team requires additional support, and that there would be merit in ensuring that, in future, its members have suitably specialised backgrounds. This would allow the Parole Board to make better use of its data, improve

understanding of its own performance and undertake more accurate modelling and forecasting.

Communications

165. The Parole Board has an independent Communications Team which is responsible for providing reactive lines to media interest as well as proactively working to improve the public's understanding of the work that the Parole Board undertakes. It also has a positive record of partnering with communications professionals, such as the Prison Radio Association, in order to improve understanding of the parole process.
166. As the Parole Board is an independent, quasi-judicial body, it is right that its communications function is delivered wholly independently of the MoJ, who are a party to parole proceedings. The Parole Board should give consideration, however, to whether there might be benefits in agreeing a knowledge sharing or coaching arrangement with the Government Communications Service. This may assist in the strategic development of the function and increase the learning opportunities for its internal team, by working alongside a recognised professional function.
167. The Parole Board does not currently have an independent website but makes use of www.gov.uk. This does not help with the perception that the Parole Board is too close to central government and also offers limited functionality. The Parole Board may wish to consider whether there would be merit in developing an independent website, assuming this could be done in a cost-effective way.
168. Finally, in its communications the Parole Board should consider how it could better present itself as being a court-like body with a status akin to other judicial organisations. Such a change would more clearly demonstrate its independence and the fact that it makes judicial decisions, in a similar fashion to other courts and tribunals.

Recommendations

There are a number of areas where there is scope for the Parole Board's relationship with the MoJ and other professional functions to be improved. These include:

- a) ensuring that the level of corporate support provided to the Parole Board is sufficient to enable it to deliver its core functions effectively. Possible changes might include additional support from Analytical Services and, whilst respecting the need to maintain its independence, the Parole Board should consider whether the Government Communication Service could provide capability support to the Parole Board's communications team. This might assist its people in having access to the broader benefits of working within a recognised function and aid in the strategic development of the team; and
- b) the Parole Board and its MoJ Assurance Partner should finalise and publish the refreshed Framework Document that governs the relationship and the holding to account arrangements between the Parole Board and the MoJ, whilst maintaining the Parole Board's independence.

Other Considerations

Location

169. The Parole Board secretariat staff are based at 10 South Colonnade in London where it successfully operates a 6:10 ratio of staff to desks, and fully embraces flexible and home-working arrangements. Since the outbreak of COVID-19, all Parole Board staff have successfully worked remotely which is testament to the organisation's previous and ongoing investment in its DigiTech infrastructure.
170. Looking ahead, the organisation should take stock of the lessons learnt during the pandemic and assess the opportunities presented to adopt some of these practices going forward. Given the strength of its IT capability, the Parole Board should consider the size and location of its estates footprint and look at how it can build on recent changes and seek to recruit on a national basis and grow organically within the regions. This would involve working with the Places for Growth programme in Cabinet Office to identify the optimum location(s), outside London and the South East, to ensure the organisation's additional footprint is also in a city with the skills and labour market to enable the Parole Board to flourish and better align with its national remit across England and Wales, and also the geographical structure of its Membership.

Devolution

171. The UK has three separate criminal justice systems; England and Wales, Scotland and Northern Ireland. The Parole Board has jurisdiction solely for England and Wales with separate parole arrangements in place for Northern Ireland and Scotland. The only occasion where there is transition between the aforementioned jurisdictions is where a prisoner is transferred from England or Wales to serve their indeterminate sentence either in Northern Ireland or Scotland as a "Restricted Transfer" prisoner. In these cases, of which there are only a few each year, the Secretary of State for Justice retains the duty to refer the case to the Parole Board for England and Wales for regular reviews of the prisoner's continued detention post-tariff. Under a Restricted Transfer, the prisoner remains subject to the parole release and licence schemes for England and Wales. No issues relating to devolution were raised in the course of the review and the current arrangements appear to work well.

Appendices

Appendix A: A Summary of the Questions Analysts Asked Offenders

Analysts undertook interviews with 27 offenders in February and March 2019 across seven prisons and five Probation offices to understand views on the parole process. These are intended to provide a range of experiences but are self-reported and due to small numbers and the selection method are not necessarily representative.

18 interviews were conducted in prison and nine with prisoners under Probation supervision. With regard to their diversity, 10 interviewees were from a BAME background and three were women. Three had been given Determinate Sentences, 12 were IPP offenders and 12 had been given life sentences. Eight of these offenders had been recalled during their sentences.

The following list of questions was used in each interview:

1. How many times have you had a Parole Board hearing?

Prompts:

- When did this/each of these take place?
- Were these oral (face to face) hearings? Or were decisions made on paper?
Interviewer note: may have experienced both.
- *If a paper decision:* did they request an oral hearing? If so, what was the outcome?

2. At what point in your sentence were you told about the parole process? Who by?

3. Did you understand how parole worked and how it would impact on you?

Interviewer note: if a participant has been through several hearings, ask them to answer questions 4 to 8 based on their most recent.

4. How much notice did you receive for the Parole Board hearing?

Prompts:

- Did you have an opportunity to prepare? If yes, how did you prepare?
- What support, if any, did you receive?
- **How informed were you kept on the progress of the hearing?**
- **Were there regular updates? How helpful were these?**

5. Did you experience any delays in the parole process?

Prompts:

- **Were there any problems with scheduling/holding the hearing?**
- Was the hearing deferred or adjourned (cancelled and rearranged for a later date)?
 - If yes: Why was it deferred or adjourned?
 - When were you told? How long was it until the hearing took place?
 - What impact, if any, did this have?

6. Did you receive a copy of the dossier of evidence?

Prompts:

- **Did you understand it?**
- **Did you trust that all relevant information was included?**

7. Please tell me about your experience of the oral hearing itself.

Interviewer note: If they have previously had an oral hearing, even if it's not their most recent Parole Board involvement, then still ask these questions (about their most recent oral hearing).

Prompts:

- Was it held in person or via video link?
- If video link, how did you find this?
- Who attended (e.g. legal representative? Offender Supervisor? Offender Manager?)?
- How many members of the Parole Board attended?
- How involved did you feel in the hearing?
- Could you understand what was happening? If no, what would have helped?
- **Were you treated with respect by the panel?**
- Did you feel like you were treated as an equal partner in the proceedings?

8. Do you understand how the Parole Board made its decision in your case?

Prompts:

- How were you informed of the decision made? How quickly?
- What information did you receive on the reasons for the decision?
- Were the next steps explained to you (e.g. when the next hearing will be, what to do in the interim)? By who?
- *For recalled prisoners / those on Probation only:* If you were given conditions as part of your release, did the Parole Board explain to you what they were and why they had given you these conditions?

9. How trustworthy do you consider Parole Board decisions to be, e.g. based on all the relevant, appropriate evidence? How fair?

10. How easy or difficult did you find the parole process to understand?

Prompts:

- What information did you receive about the parole process?
- At what point in the parole process was information made available to you?
- Who talked to you about parole (e.g. Offender Supervisor, Offender Manager, prison staff, Parole Board)?
- What support was provided?
- Did you raise any queries with the Parole Board? If yes, how well were these answered?
- Do you feel you had enough information available to understand the process?

11. In your experience, were Parole Board members diverse or not (for example, in their gender, age, ethnicity, background)?

Prompts:

- What impact, if any, does this have on how you view the Parole Board and the decisions it makes?

12. In your view, does the Parole Board have the same authority as a Court?

Prompts:

- What impact, if any, does this have on how you view the Parole Board?

13. Do you consider Parole Board decisions to be more or less “trustworthy” than court decisions? Why do you think this?

14. What worked well in your experience of the parole process?

15. What did not go well and could be improved with the current parole process?

That’s the end of my questions. Is there anything else you would like to mention about your experience of the Parole Board process?

Appendix B: A Summary of the Questions Members Were Asked

The review team conducted an online survey for Parole Board Members in March 2019. In total 65 number of Members responded, representing roughly a quarter of the Membership at the time.

Members were asked the following questions, which were a mixture of multiple choice and free text options:

1. How long have you been a member of the Parole Board?
2. What type of member are you?
3. Are you currently accredited to chair Parole Board hearings?
4. In your opinion, what are the strengths of the Parole Board?
5. Are there any particular Parole Board projects or programmes of work that have been handled particularly well in your opinion?
6. What, if any, changes would you like to see made to improve the Parole Board?
7. Are you aware of the Parole Board's vision for 2018-20?
8. How connected do you feel to the vision of the Parole Board?
9. In your view, how effectively does the Parole Board perform its statutory functions?
Please explain your answer.
10. In your opinion, are there any barriers that prevent members from doing their job effectively? Please explain your answer.
11. In your opinion, are there any functions that the Parole Board should STOP doing?
Please explain your answer.
12. In your opinion, are there any functions that the Parole Board should START doing?
Please explain your answer.
13. In your opinion, do you think the Parole Board is sufficiently transparent in the way that it makes its decisions? Please explain your answer
14. How would you rate the level of independence of the Parole Board's decision making?
Please explain your answer.
15. Would the Parole Board benefit from having additional powers? Please explain your answer.

16. As a "court-like body" the Parole Board plays a judicial role in the criminal justice system. In your opinion, do you think the Parole Board would benefit from having its judicial status bolstered, for instance by revising its powers, functions and responsibilities so that they more closely mirror that of a court or tribunal? Please explain your answer.
17. In your opinion do you think the Parole Board would operate more effectively by being reconstituted as a tribunal within Her Majesty's Courts and Tribunal's Service (HMCTS)? Please explain your answer.
18. In your opinion, are there any barriers that prevent members from progressing to becoming a panel chair? Please explain your answer.
19. How effective do you consider the current member induction, training and support to be? Please explain your answer.
20. At present, only 5% of members have declared that they come from a BAME background. What, if any, barriers exist that prevent the Parole Board from increasing the diversity of its members?
21. When did you last have a formal performance appraisal in your role as a member?
22. If you have had a performance appraisal, how effective do you think it was? Please explain your answer.
23. In your view, is there scope to improve the current membership structure? Please explain your answer.
24. Do you consider your current terms of appointment, including pay, to be adequate? Please explain your answer.
25. At present members are appointed for an initial period of 5 years with the option of being reappointed for a second period of 5 years. What are your views on the current tenure arrangements? Please explain your answer.
26. Do you understand the distinction between the roles of the Chair and the Chief Executive?
27. Do you consider the split between the roles of the Chair and the Chief Executive to be effective? Please explain your answer.
28. How would you rate the relationship between members and Parole Board staff? Please explain your answer.
29. How would you rate the confidence you have in the overall quality and completeness of the dossiers provided by PPCS? Please explain your answer, including areas for improvement

Appendix C: Corporate Governance Check

Good Practice Indicator	Assessment	Evidence
<p>There is a clear, agreed remit for the body, including scope and coverage of advice and the priority work programme.</p>	<p>Green</p>	<ul style="list-style-type: none"> • The remit and scope of the Parole Board's work is set out various legislation and the statutory Parole Board Rules. • There is a Parole Board strategy 2016-20. A Business Plan is produced annually and is published on their website.
<p>Resources are available to support the body in fulfilling its remit.</p>	<p>Amber</p>	<ul style="list-style-type: none"> • Resource funding has been increased in 2019/20 to reflect the additional work that the Parole Board is now required to undertake, in line with transformation initiatives such as the rules revision, issue of Decision Summaries and the development of a Reconsideration Mechanism). The Parole Board is sufficiently funded for the work that it does and their budget allows them to undertake the requisite number of case reviews and orals hearings to maintain performance. • While the Board have an increased resource budget, with additional pressures coming on stream, there is recognition that they will need to manage resources carefully and embed sound financial governance.
<p>Advice and recommendations are based on objective analysis of the evidence available.</p>	<p>Green</p>	<ul style="list-style-type: none"> • The Parole Board will consider a wide range of evidence before arriving at a decision, either at a paper review or oral hearing. They will only decide on release, if they are satisfied that the individual's level of risk can be managed safely in the community. For example, less than 1% of offenders released by the Parole Board go on to commit a serious further offence. Without diminishing the impact of such offences, the fact that the rate remains so low suggests that the Parole Board is doing a good job in determining which offenders can be managed effectively outside of prison. • The review has found that the quality and timeliness of information in the standard dossier, and its general structure needs improving to ensure hearings are more productive.

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Good Practice Indicator	Assessment	Evidence
Chairs and members of bodies visibly uphold high standards of personal and professional conduct	Green	<ul style="list-style-type: none"> • The Parole Board website lists a Code of Conduct for the Parole Board Chair and members, which sets out an undertaking to act in accordance with the Public Service Values. These will include behaviour and standards relating to outside activities and interests and abide by the seven Principles of Public Life, also known as the Nolan Principles.
There are clear rules and procedures in place for managing conflicts of interest.	Green	<ul style="list-style-type: none"> • These are set out in the terms of appointment and Code of Conduct for the Chair and members.
There are clear liaison, reporting and escalation routes.	Green	<ul style="list-style-type: none"> • The Parole Board Chair has regular meetings with Ministers and departmental sponsors. The Parole Board Chief Executive has quarterly holding to account meeting with departmental sponsors. Risks are monitored and can be escalated through departmental risk reporting protocols.
Department-level assurance processes are clear and proportionate.	Green	<ul style="list-style-type: none"> • The Ministry of Justice's assurance procedures are proportionate to the Parole Board's size and budget. The level of assurance and holding to account arrangements are reviewed on an annual basis through an impact, support and analysis process. .
Key supporting documents should be in place and up to date.	Amber	<ul style="list-style-type: none"> • The Board's strategy, yearly Business Plan and Annual Reports are published on the Board's website. • The Framework Document between the Parole Board and the Ministry of Justice was last updated in July 2012. This review recommends that the document is reviewed and updated
There is a proportionate approach to capturing impact, value and cost-effectiveness.	Green	<ul style="list-style-type: none"> • The Parole Board produces an Annual Report each year that outlines their performance against Key Performance Indicators and further analysis. The report also details unit costs for paper case reviews and oral hearings.

Good Practice Indicator	Assessment	Evidence
<p>There is a commitment to feedback and continuous improvement on both sides.</p>	<p>Green</p>	<ul style="list-style-type: none"> The Parole Board holds quarterly Parole Board User Group, seeking feedback from all key stakeholders in the parole process. The Board also holds an annual open Management Committee meeting at which attendees can raise concerns or ask questions.
<p>The body collaborates proactively to add value.</p>	<p>Amber</p>	<ul style="list-style-type: none"> By working effectively and efficiently the Parole Board adds greater value to the whole system, ensuring offenders progress swiftly and productively through their sentence. Where appropriate and safe to do so, they will eventually be released from prison. This work can only be done in collaboration with HMPPS and PPCS. This review recognises that improved collaboration would provide improvements to the work of the Parole Board and the parole process. The review recommends the introduction of a strategic board, of which the Parole Board would be an integral member, might create better oversight and ownership of the parole process, making it easier to proactively identify potential problems and undertake collaborative problem-solving. To note, this should not be viewed as a shortcoming of the Parole Board but as an issue with the wider system as a whole.
<p>There is a recruitment and appointment strategy that promotes diversity and maintains the skills and capacity of the committee in both the immediate and longer term.</p>	<p>Amber</p>	<ul style="list-style-type: none"> The MoJ is responsible for recruiting the Parole Board Chair and members. It has developed a diversity and talent acquisition strategy to build the skills, diversity and capability of all its public appointees. Work has been done to improve the diversity of the membership (for example, through additional outreach and regionalised recruitment targeting BAME candidates) and the Parole Board should ensure that it is able to replicate recent successes.

The Parole Board for England and Wales:
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Good Practice Indicator	Assessment	Evidence
<p>Recruitment and appointment procedures are clear, transparent, robust and timely and designed to ensure that the best people, from the widest possible pool of candidates, are appointed.</p>	<p>Green</p>	<ul style="list-style-type: none"> • Appointments to the Parole Board are made by the Secretary of State for Justice under the Cabinet Office Governance Code on Public Appointments and are regulated by the Commissioner for Public Appointments, following a fair and open competition run by the Ministry of Justice Public Appointments Team.
<p>There should be a presumption of openness and transparency.</p>	<p>Amber</p>	<ul style="list-style-type: none"> • The Parole Board publishes corporate documents on its website including annual reports, business plans, policies and guidance. Each year they hold an open Management Committee meeting, that members of the public can attend. Although Management Committee minutes are not published. • The public can now request Parole Board decision summaries and they are also published online. • The Parole Board has made massive improvements to this area and is transparent where possible under the current legislation. • The review found that more might be possible in this area, including looking at how it can open-up Parole Board hearings, where appropriate. • This will be considered within the root and branch review of the parole system.



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