

Disclosing information to the Parole Board explained for Restorative Services and Practitioners

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Why me?



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We would like to thank the Parole Board for England and Wales for their support to produce this guidance.

What is the Parole Board?

The Parole Board for England and Wales is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community or, in some cases, whether they are ready for a move to an open prison.

the
Parole Board
working with others
to protect the public

Further information about the Parole Board's role can be found in Restorative Justice facilitators: Information about the Parole Board process ([why-me.org/campaigns/parole-board-2](https://www.why-me.org/campaigns/parole-board-2)).

There is more information about the Parole Board's commitment to victims at www.gov.uk/guidance/the-parole-boards-commitment-to-victims-of-crime.

Restorative Justice and Parole

Parole Board members will be interested to know whether the prisoner has engaged in Restorative Justice, but this may not have a determinative impact on their consideration of the risk a prisoner may pose. Restorative Justice will be one of a number of factors that the Board will take into consideration. The Board is interested in whether the prisoner's risk has been reduced to a level where it can be effectively managed in the community. They are also interested in whether the prisoner has changed their behaviour and attitudes as a result of the activities they have taken part in, such as Restorative Justice or a victim awareness programme.

Information about participation in Restorative Justice will usually come from one or more of the following, which will be included in the dossier of information about the prisoner provided to the Board by Her Majesty's Prison and Probation Service:

- Probation reports where the Community Offender Manager has engaged with the Restorative Justice practitioner and staff working within the prison.
- The prisoner's own written representations (often from a legal representative) or oral evidence at a hearing.
- The Victim Personal Statement, if there is one.



What information you may be asked to provide

Parole Board members may wish to learn more about the Restorative Justice process and its outcome. They could ask for further information, in order to consider its relevance, if any, to the assessment of risk. The focus will be on the impact that engaging in the Restorative Justice process has had on the prisoner and how it may have influenced or changed behaviour (although it is not expected that you can report on the long term impact of the process). Any reference to Restorative Justice may prompt the Board to ask for further information about the process. Any request for further information will be made via the National Probation Service (NPS). The NPS will manage these requests and should only contact you where it has been established that further information will be of benefit to the parole review.

In most cases, it should only be necessary to provide very basic information with the core principle being that the Restorative Justice process is confidential, unless there is an overriding public interest.

It is likely that if the prisoner wishes to rely on information about Restorative Justice to support their parole review, they will already have included details in their representations to the Parole Board.

Equally, the harmed person may wish to make reference to the Restorative Justice process in the Victim Personal Statement that they may write for the Parole Board.

Basic information about the Restorative Justice process may already have been disclosed at the time of the restorative process to Prison Offender Managers, Community Offender Managers and Victim Liaison Officers. Confirming the basic information will not break any confidence.

A parole hearing may be held a considerable length of time after a restorative process has taken place, and when you are no longer in communication with the participants. It is important that you discuss with both the harmed person and prisoner during the preparation phase and follow up after a restorative process that you may be asked to provide basic information for a future parole hearing. Consent to share information with HM Prison and Probation Service from both parties should have been gained at the start of the restorative process and recorded on your case management system.

You may also wish to consider your organisation's requirements regarding the length of time that information will be held about a restorative case. For instance, your privacy notice will state the length of time that you will keep information. However, depending on the length of the prisoner's sentence, any parole hearing may be held beyond the timescales set for your organisation's retention of data.

You may be asked to provide, or wish to consider, providing the following information about the case:

Dates between which the restorative process took place

Who initiated the restorative process – prisoner or harmed person?

How the prisoner engaged with the restorative process – restorative conversation, face-to-face meeting with the harmed person, letter exchange or shuttle mediation.

An overview of prisoner engagement and willingness to take part in the process.

Did the prisoner withdraw from the process at any stage?



Did the harmed person wish to take part in the process or decide to withdraw at any stage?

If the harmed person did not engage with Restorative Justice, did the prisoner engage in any other restorative activity, for example, writing a letter or taking part in a meeting with a proxy victim?

An overview of any agreed actions following a restorative process, for example, a conference outcome agreement or actions agreed via an indirect process (there is no requirement to provide the exact detail).

If your risk assessment concluded that it was unsafe for a restorative process to proceed or if there were any relevant safeguarding issues.

Disclosure

EU Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime and is the clearest position on disclosure of information. Article 12 (e) states *“discussions in Restorative Justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.”* This directive remains within UK law, following the withdrawal from the European Union, until the relevant legislation is changed.

There are also requirements about how and when you share data under the General Data Protection Regulation, 2018. Processing of participants' data, who have taken part in a restorative process is lawful when at least one of six conditions have been met. These include that the participant has given consent for the processing of their data and the processing of the data is necessary for the execution of a task carried out in the public interest (Article 6, General Data Protection Regulation, 2018).

Other information

It is important that the private nature of a restorative process, particularly a conference, is preserved, and all parties will keep this in mind when deciding what information is required by the Parole Board. In most cases, it should be no more than as set out above.

Should you be asked for detail in addition to what has been suggested, documentation is requested, or you are called to give oral evidence at a parole hearing, please raise this with your supervisor/manager who will seek advice from the National Probation Service.

About Why me?

Why me? was set up by a victim of crime, for victims of crime. Will Riley, an Islington businessman, was burgled by Peter Woolf. He met Peter in prison in a Restorative Justice meeting and had the opportunity to tell him how he felt. He challenged Peter and got some answers. This changed Will's life – he could open his front door again without fear. Peter has not committed any further crimes since meeting Will.

This is the power and potential of Restorative Justice. The two men stayed friends. Will set up **Why me?**, with Peter's support, to give more victims the opportunity to experience Restorative Justice.

We are the national charity promoting and delivering Restorative Justice for everyone affected by crime and conflict.

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Limited by guarantee.

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