

the BOARD SHEET

the
Parole
Board
working with others
to protect the public



Chair's Introduction

Welcome to the latest edition of the Boardsheet, there's a lot to catch up on! As you all know, we continue work to remodel our case management system in response to the Osborn judgment. The latest forecasts suggest that we will be holding around 9000 oral hearings per year from now on, as opposed to a previous average of 4,500. Although this is significantly less than the first estimates of around 17,000 which were forecast last November it does mean we shall need to hold around 750 oral hearings a month which will add pressure on many of you and across the whole system.

We have recently held several pilots and engagement exercises, which you will hear more about later in the newsletter, and I have been greatly impressed with the enthusiasm shown for making changes and

improving the way in which we work. This enthusiasm has extended beyond Members and the Secretariat to a wide range of our stakeholders/partners including Prison Service staff, probation officers, the Public Protection Casework Section and the Association of Prison Lawyers. I am particularly grateful for all the support as I am well aware that this is an extremely busy period for many within the CJS, given the changes taking place under the Transforming Justice programme.

There has been much discussion in the media regarding policies relating to open conditions and Release On Temporary Licence. The Justice Secretary, Chris Grayling, has made several comments about the changes being introduced. Clearly any changes in these areas could significantly impact on the

Parole Board. The Parole Board's formal published policy on open conditions remains unchanged, and is at <https://www.gov.uk/government/publications/secretary-of-states-directions-to-the-parole-board-august-2004>

You may have seen that we were recently in the media in relation to Victim Personal Statements and I gave an interview of 45 minutes (of which some 15 seconds were broadcast!) with BBC Breakfast. We also published a press release and this can be accessed from the following link as well as the report on the BBC website:

<https://www.gov.uk/government/news/victim-personal-statements>
<http://www.bbc.co.uk/news/uk-28644799>

Thank you once again to all those who have assisted us so far. I hope you all enjoy the remainder of the summer.

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CEO Update

We have been working hard since the last issue of the Boardsheet and we are making good progress under our Fair for the Future programme of work in response to the Osborn judgment, as David has touched on above. I too would like to extend my thanks to all those that have made a contribution to this work.

At the end of May I observed a panel at the Taskforce pilot at HMP Frankland. The Taskforce pilots are testing whether or not there would be value in sending panels to prisons where, for whatever reason, a backlog of cases is beginning to build up in order to see if significant progress could be made. This pilot also tested the possibility of a Parole Board panel hearing more than two cases per day and the digital recording of hearings. The staff at HMP Frankland were incredibly helpful and their enthusiasm for change was encouraging to see. We have sought feedback from solicitors, prison staff and probation officers involved in this pilot and will assess it carefully as part of the evaluation of this pilot. We will be running a similar exercise at HMP Ford in September, and again thanks to the staff at the prison for their enthusiasm to participate.

The Parole Board is currently undergoing its Triennial Review and I am pleased to say that we have completed Stage 1 and it has been decided that the Parole Board shall be retained and maintain its position as an NDPB.

We are well into Stage 2 of the review which is looking at whether we are applying the principles of good corporate governance. The results of both should be published in early Autumn.

The Parole Board's governance review is almost complete and some significant changes will be implemented in the near future. One such example of change will be the move from a Management Board to a Management Committee, where we will have Non-Executive Committee Members for the first time in the Board's history. Recruitment for these roles has begun and I am confident that we will get an excellent selection of candidates to choose from.

As mentioned in the last issue of the Boardsheet, our Operational teams no longer have a dedicated case manager assigned to each prison. I am aware that this has caused some small problems in trying to contact the appropriate members of staff but the greater flexibility has enabled us to distribute work more evenly and ensure that each case gets the level of attention that is required to maintain progress and avoid deferrals and adjournments wherever possible. We have also recruited 28 new people in the last few months so this will also mean lots of new faces and changes. We will be reviewing the operations structure over the next few months and this should improve how we work with you. ■

Fair for the Future Project (responding to the Osborn judgment)

Since the last Boardsheet we have undertaken a considerable amount of consultation with all those involved in the parole process, including two events with legal representatives, a prisoner survey issued via Inside Time, senior managers across NOMS and over 150 Parole Board members have been engaged in designing the new model.

We have also tested a number of aspects of the new model both at the paper stages and at oral hearing. We are planning to streamline all of our paper review work into one system, which will improve efficiency and simplify current complex and case specific processes. We have run two pilots to test this and both have provided positive evidence that the proposals will work.

One of the suggestions has been to invite both parties (Secretary of State and prisoner) to comment on the Directions issued for convening an oral hearing. This will provide an opportunity for both parties to set out what they think are the key issues to focus on at the oral hearing, as well as request new or vary existing Directions. There will also be an opportunity to comment on the logistics of the oral hearing (eg time estimate and number of members on the panel). If the evaluation is positive we will consider including this in the final model.

We have run a pilot at HMP Frankland to test a number of ideas for the oral hearing and the feedback has generally been positive. There has been some challenges in terms of listing cases in a shorter timeframe but if we can overcome these, it will provide a more speedy and efficient system. We will be testing this again at HMP Ford in September.

We are also testing the recording of hearings across a number of oral hearings over July and August and we will evaluate the feedback in September and consider whether this could be rolled out as standard for the future.

There is still a way to go with the project and we are looking at various other areas of work including the quality of the dossier and taking a much closer look at deferrals. Deferrals are one of the most significant problems in the system and whilst some deferrals are necessary the majority are a waste of resources across all parties and we need to see how these can be reduced. ■

Member News

Chair Accreditation

Seventeen members successfully completed chair training recently. The workshop, delivered by 3 independent members, 1 serving judge and our Legal Advisor was an informative, intensive but enjoyable 2 days of training and included an enlightening and entertaining session from Flo Krause on the legal representative's perspective. Training covered all aspects of the role of the panel chair, from the time the dossier is received, through case management and setting Directions; the hearing itself including the pre and post-hearing panel discussions, managing the hearing and taking a note; writing reasons and managing post hearing matters. Each delegate chaired a mock panel and received feedback from their co-panellists, and those playing the role of prisoner and legal representative. The trainee chairs have subsequently been taking the lead as chair on listed panels, in the presence of their mentor or another chair who can support and advise them, as they continue their development towards accreditation. The majority are now chairing their own oral hearing panels and, by the end of September, it is expected that all 17 will have achieved preliminary accreditation.

Communications

The Communications Strategy for members was published in October 2013 and a review of this strategy is due to begin shortly. The strategy is designed to cover electronic communications through the Members' Newsletter, Parole Board Member letters (PBM), the extranet and forum. It also covers face to face contact through one to one meetings, focus groups, regional events, conference and training events.

We use a fortnightly Members' Newsletter to share items of interest with our membership. We welcome contributions from all those involved in the parole process. Each edition is strictly limited to 2 pages so all entries should be no longer than a few lines. If further information is available, we can insert a link or upload a supporting document to our extranet pages. ■

Should you wish contribute to the Newsletter, please contact the Member Development and Practice team. (MDPteam@paroleboard.gsi.gov.uk)

Legal Matters

Judicial Review update

It has been a relatively quiet quarter for us in terms of judicial reviews. You may be aware that Amy Shepherd has joined us as a temporary Litigation Assistant following collaboration with the Kalisher Trust. Amy comes with a wealth of experience advocating for prisoners having worked with Swain and Co and CDS and brings a refreshing insight from a practitioner's perspective to the Board.

Since the last edition of the Boardsheet, we have received judgments in the cases of King and LV. King commenced as a claim challenging the Board's guidance on the test for release that was issued after LASPO came into force in which we took the position that there could be different tests for release for determinate prisoners than for indeterminate prisoners in terms of the seriousness of harm they present. This guidance was amended during the course of the proceedings and all that remained before the court was the question of whether the Board had gone too far by guiding its members that there was no longer a requirement to balance the risks against the benefits of release in such cases. The court found that while there is no statutory test for release for determinate recall cases, for the same reasons as found in Watson in terms of lifer recalls, it was appropriate to apply the initial test for release and that it was inappropriate to attempt to put any gloss on the statutory wording.

The case of LV concerned an offender who had been sectioned under the Mental Health Act, recommended for discharge by the First Tier Tribunal and referred back to the Parole Board for consideration of her release. It was argued that there had been a breach of article 5(4) in the time it took from discharge by the Mental Health Tribunal to the referral and subsequent review before the Board. The Court found that in the individual circumstances of this case, there was no such breach. Both Claimants have sought permission to appeal.

Levels of claim appear to be relatively stable now, with 11 new claims filed this quarter. ■

Compliments and Comments

Feedback from our stakeholders on how we are performing is essential as part of our commitment to continuous programme. We hope that in most cases everything goes well but appreciate that problems or failings do happen. We can only do something about these instances if we are aware of them. We would therefore encourage stakeholders to contact us when problems arise. If these relate to specific issues about a case then please contact the relevant case manager or team manager in the first instance. If your complaint relates to general policy or procedure then please send your communication to the complaints manager. Our complaints policy can be found here:

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

This policy is currently being reviewed and updated. ■

We would also like to remind stakeholders that we are also happy to receive compliments where the service has gone beyond expectation. You can send comments to: info@paroleboard.gov.uk

Practice Guidance on Duties Towards Victims

We are reviewing the feedback from the recent consultation on our practice guidance for victims and will be issued a revised version of this guidance shortly. Alongside this piece of work, we are also planning to publish an information leaflet for victims and victim liaison officers which aims to unveil the mystery behind what the Parole Board does and what our hearings are like. This is in response to a number of complaints and other feedback from victims who feel that they don't really understand how the Parole Board works and who have told us that when certain aspects are explained to them, their expectations are clearer and they find it easier to decide whether to make a victim personal statement or seek to attend a hearing. We continue to seek to improve our relationships with victims and to improve the experience victims have when cases come before us. While it will never be an easy experience for victims and victims' families, the more transparent we can be about our processes and ways of working, the better. ■

Website transition

Our online presence has recently moved from www.justice.gov.uk to the new www.GOV.uk website, where all Government departments and NDPBs/ALBs will eventually be located.

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

There is an automated redirection from justice.gov.uk to gov.uk, which takes visitors to the new pages. The justice.gov.uk site will eventually be archived and made available on the National Archives website (webarchive.nationalarchives.gov.uk/), where you can also find archived versions of the Parole Board's original website.

As part of this move, much of our content was rewritten according to the GOV.uk style guide, which encourages the use of plain English. Additionally, all of our online content has been reviewed to determine whether or not it needs to go onto GOV.uk or whether it can simply be archived. All current information has been moved to the new site and we would encourage stakeholders to visit and have a look. If there is anything missing that you would normally have access to please contact us and we will see if it can be added. Feedback from stakeholders will be really helpful in ensuring the web presence is as helpful and useful as possible. ■

For any queries relating to these matters please contact Sam Flinders

Sam.flinders@paroleboard.gsi.gov.uk.

Annual Report

We are pleased to announce that the Board's accounts have once again received an unqualified certification from the Comptroller and Auditor General. The Annual Report covers performance during the year, statistics for determinate sentence and indeterminate sentence prisoners and accounts for the year. The report also records the work carried out by the Board last year to maintain its high standards of risk assessment during a year in which it faced increased demands on its resources, together with internal restructuring and changes to legislation. The Annual Report & Accounts were formally laid before Parliament on 8 July 2014 and can be accessed here: <https://www.gov.uk/government/publications/the-parole-board-annual-report-and-accounts-2013-to-2014>

The Parole Board is moving!

Our new office will be in Petty France- the main MoJ building near St James's Park tube station. However, we will remain self-contained and independent despite being in the main building and as such we will have a separate postal address. The expected date for the move is w/c 6 October 2014. The move may cause some small disruption to our working and we apologise in advance for any difficulties you may encounter during this time. ■

Publisher

The Board Sheet is published by the Parole Board, Grenadier House, 99-105 Horseferry Road, London, SW1P 2DX.

Comments or questions about the publication should be sent to the Business Development Directorate **Glenn.gathercole@paroleboard.gsi.gov.uk**

The Board Sheet is intended for circulation to key stakeholders and those with a direct professional interest in the work of the Board.

Information about the work of the Parole Board is now available online in three places:

Prisoner facing content

<https://www.gov.uk/leaving-prison/parole-board-hearings-what-happens>

Practitioner facing content

<http://www.justice.gov.uk/about/parole-board/index.htm>

Archive content

http://tna.europarchive.org/*/http://www.paroleboard.gov.uk/