

the  
Parole  
Board

working with others  
to protect the public

the Parole Board for England and Wales  
**The Parole Journey**  
2012/13





# The Parole Journey - in partnership

Parole reviews are carried out in collaboration with partners across a number of agencies and follow set pathways dependent on the type of review being undertaken.

The overall process is complex and requires each partner to deliver in a precise order and at a specific time. If the process is adhered to then the review will progress well and a decision will ordinarily be issued within the agreed timeframe. However, when things do not go according to plan, there can be serious consequences which can impact on the review.

Over the last year, all staff within the Parole Board have contributed to the parole process in some way, either directly at the frontline of case management or in the background as supporting functions, for example the HR, IT and Finance teams. We are always looking at ways to improve the system and make the experience for everyone involved as streamlined and effective as possible. A short summary of the various sections within the Secretariat are set on the next page, followed by a review of the programme of work undertaken in 2012/13.

Parole Board members, the decision makers, have considered over 24,000 cases during the year. They are mindful that some reviews, in particular oral hearings, can be stressful and traumatic for those involved and aim to be as supportive as possible, whilst delivering on their purpose – to protect the public by making rigorous risk assessments and contribute to the rehabilitation of prisoners where appropriate.

Both our members and staff work with our partners: NOMS agencies - Probation Staff, Prison Staff, Public Protection Casework Staff and practitioners – to deliver parole reviews as effectively as possible.

We have worked with legal representatives and other prisoner groups to improve the experience and to ensure that there is a clear pathway for the prisoner to present his or her case and that the process is fair, meets our statutory duties and is compliant with the European Convention on Human Rights.

The Parole Board has supported the involvement of victims, either directly at oral hearings, or through victim groups and victim liaison officers to facilitate a better understanding of parole and how victims and their families can be a part of the process.

One of the key themes emerging from our work with stakeholders and partners is that there is sometimes confusion about who does what, when and why. We are looking to address this further in the coming year, but in the meantime, we decided to use this annual report to set out the parole journey in a simplified manner by breaking it down into stages. This can be found on the next few pages. Along the journey, we have added in comments on various initiatives implemented during the year, descriptions of the stages, as well as a number of facts and statistics.

We hope that this will provide a flavour of the work we have undertaken over the year, and at the same time set out an easy to read document which will put into perspective the huge amount of energy and resource that goes into each and every parole review and the number of people involved.

# THE PAROLE BOARD TEAM

## BUSINESS AND SUPPORT FUNCTIONS

### **The Business Development**

**Directorate** was established in 2012 to reflect the greater priority given to improving stakeholder engagement, transforming our business processes and ensuring that the Parole Board increases its profile and influence across the Criminal Justice System. It has a key role to play in using the Parole Board's skills, experience and analysis to transform the parole process.

### **The Member Development and Practice Directorate**

was established in 2012 and is responsible for ensuring that the Parole Board has the right mix of members delivering a quality service. The section will work with members to set practice standards, provide ongoing training and support, maintain robust quality assurance systems, and ensure members are deployed in the most effective and efficient way.

**The Finance section** provides financial management services, including full audited accounts, to the organisation's stakeholders, notably: The Sponsor (Ministry of Justice); The Senior Management Team and Governance Committees, and the staff. A large proportion of the section's effort is given over to the collation and payment of Members' fees and expenses within the organisation's guidelines.

**The Human Resources section** supports all 100 staff, creating a policy framework and providing advice and guidance to managers and staff. A team of 3 specialists cover all areas of HR including learning and development, engagement, pay and pensions, recruitment and induction. In particular, the HR section has led on reviewing and implementing the staff update programme of work as well as implementing and driving change within the organisation.

**The Corporate Services section** provides support to the Chair and CEO, managing diary movements, minuting meetings and general secretarial support. The section manages the Corporate Diary and Governance Committees, as well as managing the overall provision of services to the organisation, being the first port of call for all office support such as Health and Safety, office deliveries, ordering stationery and communications affecting all staff.

### **The Information Technology section**

comprises three IT specialists primarily providing remote software and hardware support for the Parole Board membership. The team also maintains an in-house network which is used to host HR and finance applications. With many ICT projects, such as the Quantum migration project, the team has been central in ensuring that they are delivered successfully.

### **The Performance & Statistics section**

was established in 2012 and provides key management information on both performance against objectives and key performance indicators, at departmental and organisational level. The section has led on crucial work related to the analysis of deferrals, which has provided much of the evidence for the End to End Review work.

# THE PAROLE BOARD TEAM

## OPERATIONAL FUNCTIONS

**The Administrative Section** was set up in 2012 to rationalise resources to deal with the increase in referrals and also free up time for case managers to concentrate on managing oral hearings. The Admin section provides a central place for the receipt of all initial information and progression of all reviews up to the point of oral hearing. This includes the initial referrals, receipt of dossiers, preparing cases for Intensive Case Management (ICM), issuing paper decisions and notifications for oral hearings. The section is responsible for the timely despatch of all dossiers to the Parole Board Members for both paper and oral hearings.

**The Reviews Section** deal with 3 types of parole review: **Pre-Tariff reviews, On Tariff expiry reviews** and **Post Tariff expiry reviews**. Indeterminate sentence prisoners are not automatically entitled to a **Pre Tariff** review and are only referred to the Board for its advice on suitability for open conditions when there are positive recommendations for such a move from report writers. This review ordinarily takes place three years before tariff expiry. On Tariff cases are considered once a prisoner has completed his or her minimum term, which is the first point at which the Parole Board can consider whether the prisoner is safe to release into the community. At this stage, the Parole Board can RECOMMEND a transfer to open conditions or DIRECT release which is binding on the Secretary of State (PPCS). **Post Tariff** cases are reviews considered by the Parole Board subsequent to the on tariff expiry review. The date is set by the Secretary of State (PPCS). Legislation requires that these must occur at least every two years, whilst the prisoner is still in custody. The Parole Board can RECOMMEND a transfer to open conditions or DIRECT release which is binding on the Secretary of State (PPCS).

**The Recall Section** deals with all determinate and indeterminate recall cases referred by the Secretary of State. Determinate cases are reviewed on papers first and an oral hearing may either be directed by the panel or requested by the prisoner. Indeterminate cases automatically proceed to an oral hearing. Under the Board's listings prioritisation framework recall cases are the most urgent of reviews to be conducted.

**The Listings Section** is responsible for arranging dates and panels for all review and recall cases which are referred to an oral hearing. The Parole Board conducts hearings at all the individual penal establishments across England & Wales and on occasion will conduct hearings in Scotland and Northern Ireland for prisoners who have transferred outside England and Wales to serve their sentences elsewhere in the UK. In addition some hearings are now arranged via the Parole Hub video link facility. The section also arranges paper panel rotas for members to deal with paper recalls and duty member work. The listings section is the main point of contact for the 240+ members to ascertain availability for panel work.

**The Litigation Section** deals with challenges made both pre-action, where the parties attempt to resolve a legal dispute without the need to go to court, and those that land in court when the pre-action procedures fail to arrive at a mutually agreeable resolution. Any useful lessons learned from the cases we get are fed into policy and training needs. The Parole Board must also comply with its obligations under the Human Rights Act. As well as judicial reviews, the Board may be served with private law claims for damages in the County Court in respect of alleged delays in bringing reviews to a timely conclusion; and for any other alleged failure by the Board.

# REFERRAL STAGE

## GENERAL INFORMATION:

In most cases prisoners do not need to request their review. The Parole Board can only act on a case which has been referred from the Secretary of State (SofS).

All Parole reviews are referred to the Parole Board by the Secretary of State in line with the statutory requirements for the relevant review type. The Generic Parole Process (GPP) applies to all indeterminate sentenced prisoners, and encompasses a range of prison sentences including:

- Mandatory life (MLP),
- Discretionary life (DLP)
- Automatic life (ALP)
- Her Majesty’s Pleasure detainees (HMP)
- Indeterminate sentences for public protection (IPP).

In line with the GPP process the Secretary of State refers these cases to the Parole Board 26 weeks prior to the target review date.

The Public Protection Casework Section (PPCS), acting for the Secretary of State, refers all indeterminate (Life and IPP) sentence prisoners who have been recalled to prison, and these follow the GPP process.

Determinate sentence prisoners once eligible for consideration for release, receive an annual review which is currently referred to the Parole Board by the Prison, on behalf of the Secretary of State. The new Generic Parole Process for determinates (GPPd) is being launched in 2013. The process mirrors, to a large extent, the Generic Parole Process (GPPi) for indeterminate sentence

prisoners, but has been adjusted to meet the requirements of determinate sentence parole reviews. The intention is to eventually get as close as possible to having a single process, a single set of milestones and a single timetable. The GPPd applies to those determinate sentence prisoners who are eligible to be considered for release on licence by the Parole Board. They include:

- Discretionary Conditional Release prisoners (i.e. those serving a sentence of 4 years and over for a sexual or violent offence committed before April 2005) are eligible to be considered for release on licence by the Parole Board at the halfway point of their sentence;
- Extended Public Protection Sentence (EPP) prisoners sentenced before 14 July 2008 who are eligible to be considered for release on licence by the Parole Board at the halfway point of their custodial term; and
- The new Extended Determinate Sentence (EDS) which was introduced in the Legal Aid, Sentencing and Punishment of Offenders Act 2012

Determinate sentenced prisoners who have been released and subsequently recalled can be referred to the Parole Board at the discretion of PPCS, acting for the Secretary of State; others must be referred. If not released, they may be released by PPCS at any stage thereafter, or alternatively referred to the Parole Board not longer than 12 months after the end of the previous review.



## AGENCY INVOLVEMENT

At this stage, most groups involved in the process commence work:

- PPCS ensure each case is referred at the appropriate date which sets in motion a process and timeframe for other agencies across NOMS to begin work.
- Prison staff notify report writers that documents will be required shortly and plan to prepare the full dossier (the prisoner’s case file).
- Probation prepare to write their reports – this may include setting up dates to meet with the prisoner, talking to other agencies, for example the Victim Liaison Officer.
- The Parole Board issues a notification to the prisoner informing him/her of the review.
- The prisoner is advised to secure a legal representative to support and represent them through the process.

## ACTIVITY/ INFORMATION

### Automated Initial Notifications

In 2012, an enhancement was made to the Public Protection User Database (PPUD) case management system which streamlined the letter notification process for indeterminate reviews. Within 30 minutes all initial notification letters for one month (approximately 400) can now be issued with minimal resources; prior to this each letter needed to be generated and issued, each one taking at least 10 minutes.

### Prisoner Guide to Parole

The Parole Board has a “quick guide to parole” for prisoners, setting out the process. This guide was placed in prison libraries and sent to stakeholders and is a useful document which can be downloaded from the website.

### Juvenile Offenders

Juvenile offenders can be some of the most vulnerable individuals who go through the parole process. In most cases the review will take place at an oral hearing, unless they can be released at the paper stage. A parole guide for children and young people is available and aims to help with understanding the process. This can be downloaded from the website.

**Number of referrals 2012/13:**

- 5056 ISP review cases
- 376 ISP recall cases
- 810 determinate review cases
- 12577 determinate recall cases

**TOTAL= 18,819**



# DOSSIER STAGE

## GENERAL INFORMATION:

The dossier is a collaborative document providing a comprehensive file of information on the prisoner to assist the Parole Board to make an assessment on whether a prisoner is safe to be released into the community or transferred to open conditions. The dossier is made up of a number of reports provided by different people involved in the process. The PPCS team provide the basic dossier to start with (the core), then the prison will add more reports (courses, key worker, assessments etc), after which the Probation staff will add their assessment reports.

The establishment where the prisoner is held is normally responsible for collating all the required documents which make up the complete final dossier.

The dossier is disclosed once all reports are finalised and the dossier has been paginated. It will be sent to the prisoner, the Secretary of State (PPCS) and the Parole Board.

The prisoner will then prepare his or her representations or instruct a legal representative on his/her behalf to do this, and these will be added to the dossier to make it complete.

Only then will the Parole Board start considering the parole review.





## AGENCY INVOLVEMENT

At this stage, most groups are involved in the process:

- Most determinate sentenced prisoners' dossiers are prepared by the prison and disclosed to the prisoner for his/her representations to be added; for all other dossiers:
- PPCS prepare the reports which form the core dossier and then send it across to prison colleagues.
- Prison staff begin to collate all the mandatory reports which will be added to the core dossier to make one final document. Each page is

numbered and added in an agreed order and standard. The Governor or a delegated authority must sign off the dossier.

- Probation start to pull together the information needed to write their reports and must submit them to the prison to ensure they are added to the dossier before it is signed off.
- At this stage the Parole Board awaits the full dossier but will be checking that they have the correct details for the prison contact, probation officers and legal representatives, and will make contact as necessary to secure this information. The prisoner is informed to submit representations within 28 days of receiving the dossier, and this is done, usually, via their legal representative.

## ACTIVITY/ INFORMATION

### Parole Board checks dossier

The dossier is the compilation of numerous reports and information about the prisoner. Once it has been received, the Parole Board check it to ensure that the mandatory reports have been provided and that it is correctly paginated. If any mandatory documents are missing, the dossier will be rejected and not progressed. Incomplete dossiers were a significant problem and cause for delay in the past, however, following the implementation of the GPP for indeterminate sentence prisoners the number of incomplete dossiers received was drastically reduced. In 2009, 88 were officially rejected (although a significant number were incomplete but not rejected, which resulted in delayed hearings). In 2013 only 36 were rejected.

### Information on Dossier Review Project

In 2012, the Parole Board worked with prisons and probation to ensure dossiers contained up to date, good quality information so that panels can make fair and safe decisions. This helped to improve information on offenders' behaviour in prison and probation officers' assessments of risk of re-offending.

### Victim involvement in parole reviews

Since 2007 victims or their family members have been offered the opportunity to request to attend oral hearings of the Parole Board to present a victim personal statement. This facility was introduced in response to the 2006 Victims' Code of Practice. The Parole Board has published a policy in relation to victim participation in parole hearings and for the purposes of that policy defines a victim as "Someone who was harmed or who has suffered physical or emotional damage as a result of the offence or offences."

Referral Stage

Dossier Stage

Listing Stage

Paper Review Stage

Oral Review Stage

Decision Stage

Post Decision Stage



# LISTING STAGE

## GENERAL INFORMATION:

All cases are listed for a paper review in the first instance.

The listings team at the Parole Board is responsible for arranging dates and panels for all review and recall cases which are referred by the SofS.

The team obtain availability from the Parole Board members at least three months in advance and set up the following paper panels:

- 3 member paper DCR panels which ordinarily are based at the Parole Board headquarters in London. There are normally two a week dealing with up to 15 cases each.
- Single member paper recall panels take place every day and can be up to twenty a week, considering anything from 10 to 18 cases on each panel.
- Single duty member panels which sit at PB headquarters to deal with queries and cases that need immediate attention, including licence variations, deferral requests and emergency recalls, as well as a number of Intensive Case Management (ICM) casework queries.
- Single ICM member panels which will be virtual panels dealing with ICM assessments of indeterminate reviews. They deal with anything from two to six cases per panel and there can be up to 40 panels a week.

The Listings Team will also arrange all oral hearing panels. The Parole Board conducts oral hearings at all the individual penal establishments across England & Wales and on occasion will conduct hearings in Scotland and Northern Ireland for prisoners who have been transferred outside England and Wales to serve their sentences elsewhere in the UK. In addition some hearings are now arranged via the Parole Hub video link facility. Oral hearings are listed on a rolling month by month basis approximately three months into the future.

Cases are listed for an oral hearing in accordance with the listing prioritisation framework and panels are then created at the prison establishment (or hub) by allocating a Judicial or IPP accredited chair first taking into account their availability and their geographical location in relation to the prison establishment and the availability of witnesses. Co-panellists are then secured using the availability provided, and any requirement for a specialist member is met.

Having sufficient members to carry out this work is essential. The Parole Board currently has just over 250 members.



## AGENCY INVOLVEMENT

- At this stage it is only the Parole Board that manages this work.
- However, prisons, probation and legal representatives will often ask for details of when a case may be listed.

- Also, a significant amount of contact will be made with all witnesses when setting dates for oral hearings.

## ACTIVITY/ INFORMATION

### Automated Case Management System – PPUD

The development of PPUD has allowed much of this work to be automated. In particular, the issuing of indeterminate cases to ICM members for assessment used to be a manual process, requiring a lot of work gathering the documents and sending information to the members. Now, this is all done automatically on the system, freeing up time for other work to be completed.

### Membership

Over the last few years the membership has grown from 160 to over 250 in 2012. This has presented a significant challenge to the panel scheduling processes, to ensure that correctly accredited members are available for the required panels at the right time. Again, PPUD has assisted in this but it is still a difficult exercise to complete each month.

### Panel Composition

When creating panels, the Listing Team must ensure that there is no conflict of interest and that the correct members sit on particular panels. Whilst PPUD assists with this, the knowledge of the Listings Team is essential to ensure this work is accurate.



# PAPER REVIEW STAGE

## GENERAL INFORMATION:

**Determinate sentence prisoner/Extended Sentence Prisoners (ESP)** will normally have a review at the point he or she becomes eligible, and thereafter a yearly review. These cases are dealt with initially at a 3 member paper panel where it will be decided whether the prisoner is suitable for release, an oral hearing is required, or whether the prisoner must remain in custody.

### Paper Recall

Where a prisoner has been recalled to custody and the Secretary of State has referred the case to the Parole Board, the case will be assessed by a single member paper panel which will determine suitability for release, or whether the matter should be considered at an oral hearing.

### Intensive Case Management (ICM)

For most indeterminate cases, after 28 days or upon receipt of representations, cases are subject to intensive case management by a single member panel of the Parole Board who will assess the case to determine whether it should go to an oral hearing or whether a paper decision is appropriate.

**Directions** are instructions for the service of information or witness attendance made by Parole Board members to enable a case to be dealt with effectively. The directions which are set vary in nature but can be made at any time during the process. In all instances, directions need to be complied with to ensure a case contains all the necessary information to enable the panel to make a comprehensive risk assessment of the prisoner's suitability for release or a transfer to open conditions.



## AGENCY INVOLVEMENT

- The Parole Board is the primary agency involved in this stage and manages the whole portfolio of panels and reviews.

- However, all other agencies may be asked to supply other information in order for a decision to be made. This can be at quite short notice. In particular, reliance on the Probation Advisory Team (PAT) within PPCS to provide missing or additional information and guidance on NOMS policy is essential in recall cases.

## ACTIVITY / INFORMATION

### Determinate Sentence Prisoner

**Periodic Review:** for these types of case, the panel can decide to: release; keep the offender in custody (known as a “knockback”); proceed to an oral hearing in which case the panel issues directions for that hearing.

**Recalled Prisoner (Determinate):** for these types of case, a Parole Board member can: direct immediate release; direct to release at a specified future date; make no direction as to release; send to oral hearing and provide directions for that hearing; adjourn (generally for more information).

### Indeterminate Sentence Prisoners

**Periodic Review and Recalled Prisoners- Intensive Case Management:** the Parole Board makes its first formal assessment of an indeterminate case on the papers. At this stage, it is decided whether an oral hearing is necessary and, if so, what additional information is needed to reach an effective decision at the hearing.

For these types of case, a Parole Board member can: provide a negative decision (remain in custody); direct that the case should proceed to an oral hearing and provide directions for that hearing; set preliminary directions in order to be able to make a decision on the above; defer the case for a period of time.

A negative paper decision is issued when a panel has decided not to direct release (or in the case of an indeterminate sentenced prisoner, not to recommend transfer to open conditions if applicable). This is a decision taken on the papers and the prisoner has 28 days to decide if they wish to request an oral hearing. Any request for an oral hearing will be considered by the Board but may not necessarily result in an oral hearing being granted.

Referral Stage

Dossier Stage

Listing Stage

Paper Review Stage

Oral Review Stage

Decision Stage

Post Decision Stage



# ORAL HEARING STAGE

## GENERAL INFORMATION:

**Oral hearings** – A panel that hears a case will usually consist of a Panel Chair and 2 co-panellists. For lifer prisoners, the Panel Chair will be a Judge, for all other cases it can be a Judge or an independent chair. For some cases, a specialist member is required, which could be a psychologist or psychiatrist. At the hearing the panel will hear evidence from the prisoner, his or her legal representative (if they have one) and other witnesses such as the Offender Manager.

**Standard Determinate Sentence recalls Oral Hearings** – SDS prisoners will have their cases heard by a single Parole Board member. The panel does not determine whether the recall to custody was justified but must consider whether the prisoner should remain in prison for the protection of the public.

Most oral hearings will take place at the establishment where the offender is held.

### Parole Hub

Some oral hearings are heard at our Parole Hub in London where a panel will conduct a case via video link to the prison and probation office. The panel will sit at the Parole Board headquarters, the prisoner and witnesses will be at the prison, although some witnesses may link up from a third location. Not all cases are suitable for this type of hearing, particularly where the offender has communication or psychological difficulties.

### Video link

Sometimes it is more convenient for a witness for an oral hearing to participate in the hearing via a video link. The Panel Chair will make the final decision on whether it is suitable for a witness to do this. This is different from the parole hub in that the panel is usually sitting at the prison and it is only the witness(es) who will participate by video link.

Parole Hub hearings and video link require the appropriate equipment to be available at the establishment/prison and so not all locations can participate in this yet.



## AGENCY INVOLVEMENT

- Once a case has proceeded to an oral hearing, a Parole Board Case Manager will manage it in preparation for an effective oral hearing. This involves securing witness availability and attendance, ensuring Directions are issued and liaising with the Panel and stakeholders relevant to the case.
- The case will now be overseen by a Panel Chair, who will be a member of the Parole Board, and will be the ultimate decision maker with regard to Directions in the lead up to and on the day of the hearing. The final decision on the case is taken by the panel as a whole.
- PPCS case managers are responsible for ensuring all Directions are complied with, or submitting variation or revocation requests, as appropriate. PPCS will also consider any request for non-disclosure of information; link with the victim liaison officer for any victim involvement, and consider whether an SofS representative should attend the oral hearing.
- Prison staff should ensure that any prison witnesses are aware of the oral hearing and are in contact with the Parole Board; they should also make arrangement to provide any prison reports requested in Directions.
- Probation staff need to make sure that they can attend the date of the oral hearing and have all their papers ready and prepared and provide any additional information requested in Directions.
- The Victim Liaison Officer will discuss the oral hearing with the victim or victim's family and provide advice on writing victim impact statements, and requesting attendance at the oral hearing.
- The legal representative will support the prisoner in the lead up to the oral hearing and provide any additional information in support of the prisoner's case, as well as notifying the Parole Board of any additional witnesses to be called. In some cases counsel is appointed to represent the prisoner.

## ACTIVITY/ INFORMATION

### Member Training

Members are given specific training on oral hearings. They are then initially accredited to sit on oral hearings and achieve full accreditation after an experienced member has assessed their competency.

### Oral Hearing Panels

The number of oral panels created each month has been gradually increasing in recent times as a result of the implementation of the CJA2003. In 2011 the average number of panels created each month was 222; in 2012 it was 256 and for the first six months of 2013 it was 288 – with a record number of 301 panels in January. This has largely been achievable due to the increase in membership but that has, in itself, resulted in a greater logistical challenge. The introduction of PPUD has enabled parts of the process to be automated but the human touch is still required to bring together all the pieces of the puzzle which are necessary to create an effective panel.

### Parole Hub

The Parole Hub was first established at HMP Bristol, as a way to utilise video conferencing technology to maximise the amount of oral hearings listed per day and to reduce the cost of the hearings. The hub is now located in two rooms at Grenadier House, with the capacity to hear upwards of 60 cases a month across more than a dozen prisons. The hub provides a link between the panel, the prison and probation offices to reduce the amount of travel time required for witnesses to attend hearings.

### Witness booking for oral hearing

This year saw the transfer of this function from PPCS to the Parole Board. The Parole Board now contacts witnesses directly to secure their attendance at oral hearings. This has led to a simpler, more streamlined process and is a result of the *End to End Review Programme* of work set up in collaboration with parole partners to improve the process. It is hoped that this will reduce the number of cases deferred due to non-availability of witnesses.

Referral Stage

Dossier Stage

Listing Stage

Paper Review Stage

Oral Review Stage

Decision Stage

Post Decision Stage



# DECISION STAGE

## GENERAL INFORMATION:

There are a number of options that a Parole Board panel can make, and these vary depending on the type of case but broadly:

### Release

The Parole Board can direct release and that decision is binding on the Secretary of State. Once release has been directed, the Secretary of State will then undertake the necessary work for the prisoner's release.

### Transfer to Open

The Parole Board can recommend an indeterminate prisoner undertakes a progressive move to open conditions. It is however up to the Secretary of State to confirm this. The Secretary of State can also consider and grant a move to open conditions without a Parole Board recommendation by using his executive power.

### Remain in Custody

The Parole Board can also direct that the prisoner must remain in custody ("knockback"). In their decision, the Panel may outline outstanding areas of risk which should be addressed in the prisoner's sentence plan.

Following a hearing the decision letter is issued within 14 days of any oral hearing.





## AGENCY INVOLVEMENT

- The Parole Board is responsible for issuing the decision to the Secretary of State and Prisoner (often via legal representative), and also the prison for indeterminate sentence prisoners.

- The Parole Board issues decisions for determinate sentence prisoners to the prison only and they organise distribution as required.
- PPCS/prison will ensure the decision is copied to the probation staff as appropriate.

## ACTIVITY/ INFORMATION

### The Members

The Member Development and Practice Directorate is responsible for ensuring that the Parole Board has the right mix of members to deliver a quality service. The PB Secretariat will work with members to set practice standards, to provide ongoing training and support and to maintain robust quality assurance systems.

### Recommendations - Open Conditions

For pre-tariff, on tariff and post tariff indeterminate cases, the Parole Board has the power to recommend a transfer to open conditions. A move to open conditions offers the best chance to observe a prisoner putting into practice what he/she has learned in theory during their time in closed conditions, whilst in the community. In open prisons, prisoners are trusted to spend periods of time without escort in the lead up to eventual release. The SofS does not have to follow the recommendation of the Parole Board and can make his own decision regarding a transfer to open conditions.



# POST DECISION STAGE

## GENERAL INFORMATION:

### Recall

Upon release, offenders are given a copy of the licence that they must adhere to. If they breach a condition or behave in a manner that suggests they might be about to commit a further offence then their Offender Manager may initiate recall proceedings. This will result in a return to custody.

### Sentence Planning

Following a negative decision, prisoners may have their sentence plans reviewed in order to address areas of outstanding risk that have been identified. It is the responsibility of Offender Managers and prison staff to recommend offending behaviour work that will enable offenders to work to reduce their risk.

**Judicial Review/Letters Before Action** There is no formal avenue of appeal against a Parole Board decision, however prisoners dissatisfied with a decision can challenge it by applying for Judicial Review (JR) in the High Court. In response the Parole Board may: concede and agree to ask the Secretary of State to re-refer the case; actively defend the decision; or allow the court to make a decision without contesting proceedings.

### Risk Management Plan Implementation

The Offender Manager is responsible for developing and implementing the Risk Management Plan (RMP), which should outline how the risks posed by an offender will be safely managed in the community.

### Further Reviews

- Indeterminate sentence prisoners who receive a negative decision will be entitled to a further review within 2 years.
- Determinate sentence prisoners who receive a negative decision will receive a further review within one year's time, unless they have less than 13 months remaining on their sentence.
- Recall prisoners are entitled to a further review of their case within 12 months after receiving a negative decision.



## AGENCY INVOLVEMENT

- After a decision has been made the Parole Board will only get involved if there is a material change of circumstances and the SofS refers the case back to the Board; or where JR proceedings/legal action is being pursued.
- PPCS (on behalf of the SofS) will then process the decision as appropriate. This can include putting in motion sentence planning arrangements;

considering the recommendation of transfer to open conditions (if applicable); preparing arrangements for the release of the prisoner; setting the next review date (if applicable).

- The prison and probation authorities must comply with instructions issued by PPCS on the outcome of the decision.
- The legal representative will discuss the decision with the prisoner and explain what it means.
- The victim liaison officer will ensure that victims and their families are kept informed of the outcome.

## ACTIVITY/ INFORMATION

### Review Committee

Part of our quality assurance process includes having a committee, chaired by a former High Court Judge, which reviews decisions when there has been a serious further offence after release. Feedback is given to the relevant member(s) who made the decision, and any general learning is also used for training and practice guidance.

### Joint Review Panel

The Review Committee may refer cases to the JRP, which consists of senior representatives from the Parole Board, Probation, Prison and Police authorities, where a serious offence has occurred after release and where there are likely to be lessons for more than one agency regarding the assessment and management of the offender.

### Transforming Rehabilitation Services

The Probation Service plays a vital role in the parole process. The Government's proposed reforms will create challenges but could achieve improvements through the creation of a dedicated Public Protection Service but may create new challenges with the creation of a complex market of private and third

sector providers working with some offenders. We outlined our opinion on the potential benefits and risks to prisoners, the public and the parole system in our response to the consultation.

### Legal Considerations

As a public body, the Parole Board's decisions can be challenged on application for judicial review in the Administrative Court. A 'decision' for this purpose may not necessarily be a final decision of a panel not to release someone; an application for judicial review may also be brought in one or any of the following examples:

- an administrative decision
- Reasons for a panel's decision
- Case management directions
- Refusals to grant an oral hearing
- Judicial listing decisions
- Setting of licence conditions
- Applying the correct test for release
- The removal of material from a dossier
- Decisions regarding the running of a hearing.

The Parole Board must also comply with its obligations under the Human Rights Act. As well as judicial reviews, the Board may be served with private law claims for damages in the County Court in respect of alleged delays in bringing reviews to a timely conclusion; and for any other alleged failure by the Board.

Referral Stage

Dossier Stage

Listing Stage

Paper Review Stage

Oral Review Stage

Decision Stage

Post Decision Stage



# The year ahead

In the preceding pages we have heard from the Chairman and CEO, and set out the parole journey which has given an overview of the huge amount of change that the Parole Board has gone through in the last year.

The story continues as we embark on the next set of aims and goals. A detailed business plan for 2013/14 has been published which sets out our priorities and objectives for the year ahead. We have identified a new set of top level key performance indicators to evidence the progress we make, which we believe are meaningful and challenge us appropriately.

We will continue seven of the existing programmes, comprising of over 60 projects all aimed at delivering our business priorities and improving the process. In particular, there are a number of work streams set up under the End to End Review Programme to look specifically at the parole process and implement improvements or remove tasks or stages that add no value or duplicate effort. This programme is being managed in partnership with colleagues in NOMS.

We are investing resources in developing the case management system and hope that we can bring more parole partners onto the system so that we have one shared information database resource. This is of course dependent on securing funding during times of austerity.

When considering how we deliver in the year ahead we need to factor in any decisions from Judicial Reviews that may impact on us. The most significant pair of cases involving the Parole Board in the reporting year were those of Sturnham and Faulkner. The debate about a) when the Board should be liable for damages for delay, and b) if liable how much it is required to pay in damages were heard in the Supreme Court in November 2012 and the Justices' decisions were received in May 2013. While damages in each case were awarded against the Secretary of State, the underlying principles will guide all public bodies, including the Parole Board, that bear responsibility for unfairly delaying prisoners' reviews in the future.

In Faulkner the Board successfully argued that when assessing damages, courts should look for guidance to judgments in the European Court of Human Rights rather than domestic courts. As a result, the £10,000 damages awarded by the Court of Appeal were reduced to £6,500. Full damages will only be awarded where the Board directs the prisoner's release and it can be established that he would probably have been released had the Board completed the review on time. However, in Sturnham it was decided that even where the prisoner is not released, if his review was delayed unduly he can normally claim damages at a more modest level for the frustration and anxiety that he suffered as a result.

Of equal interest are the three cases of Booth, Osborn and Reilly which concern the issue of when the Board is required to hold a full oral hearing. These appeals were heard in the Supreme Court in April 2013. We expect the judgments, which will determine what common law fairness and prisoners' human rights require of the Parole Board in this contentious area, to be handed down later in the year.

The Parole Board has, for the first time, published a document setting out its strategy for dealing with litigation. It sets out changes in the way we will deal with judicial reviews, and clarifies how we deal with litigation as a whole. This is available on the website, along with other useful information for practitioners, victims and offenders and their families.

The Government has now published its proposals for transforming rehabilitation services and we have yet to see how this will impact on the Parole Board, but however the final structure ends up there will be changes and adaptations required from the Board.

There is therefore still a huge agenda of change ahead of us but we have the right structures in place to achieve the objectives we have set ourselves. We look forward to working with all partners across the parole process in 2013/2014.



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