

the BOARD SHEET

the
Parole
Board
working with others
to protect the public



Chair's Introduction Sir David Calvert-Smith

First of all, best wishes for a happy New Year! This year promises to be another challenging one for everyone involved in our work. Many changes have been implemented, but more are still on their way, all designed to assist us to deal with parole reviews as swiftly and fairly as possible.

When I look back on the past year I am staggered by the amount of progress we have achieved together in restructuring and adapting to the different needs of the system. During all the new arrangements, the increase in the number of oral hearings each month is particularly encouraging.

Throughout this transition the Board has striven to ensure that it

maintains its independence both from our Sponsor and the Executive generally. Whilst our location is now within the main MoJ building and our online presence has moved to the gov.uk site, these changes have had no impact on our decision-making processes and I am confident that we, like the Law Commission, the Judicial Appointments Commission and the Criminal Defence Service, all now located in this building, continue to operate as a robust, independent body.

The Board has now increased its capacity to conduct oral hearings and although this is still not enough to eliminate the backlog of cases, it has been a considerable achievement. However, before we look at further increases in

capacity we need to work with our stakeholders across the system to gauge capacity in other areas. My main concern is to ensure that we operate at a level sustainable by all partners across the system.

The work to establish a new system of Recall Adjudicators is gathering speed and this could provide some assistance to some of the current challenges, and we will be watching this closely.

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CEO Update Claire Bassett

We have now spent three months at our new offices within Petty France and settled well. The environment is a vast improvement on our former location and we have adjusted well to the new ways of working. There are still one or two issues to sort out but I am confident that this move has been positive and beneficial.

Our overriding aim is to try and stem the significant increase in the number of cases overdue a parole review, in particular those cases deemed ready for an oral hearing but which are having to wait a considerable amount of time before securing a date. We are very conscious of the anxiety that these delays can cause to all concerned, particularly prisoners and are working hard to find ways to hear as many cases as possible. **In November 2013 we concluded 293 cases at oral hearing whereas in November 2014 we concluded 445 cases, an increase of 52%.**

In order to increase our capacity we have set up a new system to identify cases to fill gaps on panels where an original case was deferred or removed for other reasons; we have also looked at adding third cases where the panel Chair has indicated this is appropriate. As part of the MCA process (see below), we now have a much more flexible approach to the panel composition and this is providing us with more opportunity to hear cases by deploying our members more efficiently.

I am pleased that we have now implemented MCA but keen to move on with the next stages to look at how we can list more swiftly and potentially move to a more regionalised structure.

The last year has seen a continual programme of recruitment to ensure we have enough staff within the operations team to manage the workload and we now need to ensure the team has the skills and knowledge to deliver on our objectives. We have already commenced a programme of training events for staff to ensure that they have the skills to manage cases as effectively as possible.

I am delighted to welcome Miranda Biddle as the new Director of Operations. Miranda has worked within criminal justice for over 20 years across the Probation Service, Prison Service, psychology and drugs services. Miranda will lead the operations team through the huge change agenda and beyond, to ensure the team is positioned to provide an effective and efficient service to members and stakeholders.

Whilst all of this operational change has been ongoing I have also commissioned a comprehensive Governance review to ensure that the management of the organisation is robust and fully accountable for its performance. We now have new structures in place and I am pleased to announce three newly appointed non-executive Directors to the

Management Committee:

Caroline Corby is a former Board Chair of London Probation Trust and Director of the Probation Association. She is currently a Non-Executive Director at the Criminal Cases Review Commission and a Board Member of a large NHS Trust. She also has previous board level experience in the private sector.

Dale Simon CBE is a qualified barrister with extensive board level experience in statutory and voluntary sectors. She is currently a Director of the Crown Prosecution Service and Chair of the Board of Trustees for the charity 'Standing Together Against Domestic Violence'. She was formerly Head of the Office for Judicial Complaints. She was awarded a CBE for services to equality and diversity in 2013.

Julian Lee has been appointed as Chair of the Audit and Risk Committee. We needed to appoint someone with sound financial and accounting experience specifically for this role. Julian has experience as Chairman, non-executive and executive director in both public and private sectors and as an audit committee chair. He is currently Chair of an NHS Trust and non-executive director of the Financial Ombudsman Service. He also currently sits as a Magistrate.

I am confident that all three will be able to make a very positive contribution to improving our performance further and I look forward to working with them over the coming year.

MCA process

If you have any comments to make on the new MCA process, we would like to hear from you.

Please send comments to:

Glenn.gathercole@paroleboard.gsi.gov.uk

Operations Update – Miranda Biddle

I am delighted to be writing my first article for the Boardsheet, as the newly appointed Director of Operations. I joined the Board in early December and have been impressed by the amount of work the operations team get through. However, it is clear that there are a number of areas which need improving and my team and I are looking at this in the formulation of our operational strategy for 2015-2016.

The team is close to completing its recruitment drive to ensure that we have the right people in the right

places. Next steps will include completion of a review of skills and capabilities to ensure that all teams are confident in delivering consistently effective case management services. A team structure review has commenced in order to facilitate closer working relationships with partners, particularly prison staff and Offender Managers on a regional basis.

We have undertaken some detailed work reviewing and analysing deferrals and now have considerable qualitative data to develop interventions to tackle some of the avoidable root causes. We have been working with independent experts on this and in collaboration with PPCS to ensure that a clear delivery plan is agreed with our partners for 2015-2016 alongside the implementation of the new PSI/PI on parole processes.

Over the last couple of months the team has focused on delivering updated training to staff and revising processes following the implementation of Member Case Assessment (MCA) as part of the Fair for the Future project.

The Board has made good progress in increasing the number of hearings listed on a monthly basis but continues to look at opportunities to further increase the number of cases being considered and successfully concluded. The Board has recently recruited a member of staff dedicated to identify gaps in listing and to fill these as they arise. A joint working group has been established with NOMS to look at ways to reduce the likelihood of deferral and this will also help increase the number of cases listed and completed.

Recall cases continue to be an area of focus with some improvements in reducing waiting times between listing dates and outcome decisions.

The Board recognises that the backlog of cases awaiting hearings continues to be a concern for our partners and for the prisoners involved, especially those ISP prisoners who continue to face delays of up to six months between listing and hearing. These delays have largely been caused by the increased demand for oral hearings post Osborn. We are taking steps to implement the recommendations from the end-to-end review and it is envisaged that the introduction of procedural changes such as MCA will enable the Board to assign a more proportional resource to each oral hearing, and progress individual reviews more effectively. We will monitor what effect this has on the time in which cases are waiting for an oral hearing date in partnership with PPCS.

In July 2014 we ran the majority of oral hearings for indeterminate sentence prisoners (ISP) as two member panels. We have reviewed the outcomes of these hearings to identify if there was any significant impact of running panels in this way. The results indicate that there are no major variations from the

usual trends and there was only one case (out of just over 550 cases) where the panel could not agree, which resulted in the case being re-panelled. The release rates for ISP cases considered at oral hearing are set out below:

ISP Reviews	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul- 14	Aug-14	Sep-14	Oct-14	Nov-14
Release Rate	30.8%	32.8%	26.7%	26.6%	23.3%	21.6%	32.6%	28.8%	34.6%	29.7%	21.8%

Fair for the Future Project (responding to the Osborn judgment) – Martha Blom-Cooper

The last five months have been incredibly busy developing our new Member Case Assessment (MCA) process which is now replacing all current paper review processes across all case types. The aim of MCA is that all cases will be dealt with proportionately, effectively and consistently across the Board in order to ensure:

- Fair, rigorous and timely reviews
- Good quality analysis
- Clear and early identification of the issues and clear directions to improve compliance with directions
- A reduction in avoidable deferrals

Key to MCA being successful in achieving this is 'front loading' the quality analysis and management of cases by members from the start. The role of the member will be to:

- Identify the key issues in cases at the start;
- Decide whether a case needs to proceed to an oral hearing and, if so, 'build' the oral hearing, identifying the evidential and logistical requirements of the case with a greater focus on clarity and proportionality of directions to ensure that the key issues can be considered.

We have also introduced a new template to enable the two parties, the Secretary of State (PPCS staff acting on his behalf) and the prisoner (or their representative), to respond to our directions ensuring that they clearly address the evidence and logistical requirements so that these can be addressed at the earliest opportunity. A copy of the template

can be found at the link below. We would like all representations regarding oral hearing arrangements to be submitted using these forms in the future.

MCA Guidance has been drafted for members and this, along with some general points (including the response form) can be accessed from the website:

<https://www.gov.uk/government/news/fair-for-the-future-update-december-2014>

The implementation of MCA is already well advanced and should be completed by March 2015. We are continuing to monitor implementation to ensure that it is effective. We have to date progressed just over 800 cases through the new system, with a further 400 currently being assessed.

At the end of 2014, the Parole Board together with PPCS undertook a review of 250 historic deferral cases. Of the 250 deferral cases reviewed, 307 underlying deferral reasons were identified. Whereas the Public Protection User Database (PPUD system) currently only records one deferral reason, this review allowed for multiple reasons to be recorded. Key underlying reasons for deferral include:

- actions perceived to enhance an outcome for a prisoner's release (such as completing a behavioural course);
- the need for additional information, such as reports from courses completed;
- psychology reports;
- prisoner related issues;
- key documents such as Risk Management Plans; and
- attendance by witnesses: Offender Manager, Offender Supervisor, psychologists and others witnesses such as social workers.

PPCS and the Parole Board have since reviewed the deferral reasons that can be selected in PPUD and the ability to record multiple deferral reasons has also been added.

Following on from the review, a program of initiatives will be developed throughout 2015 that continue to build on existing work programs such as Fair for the Future, Member Casework Assessment and other projects.

Supporting the above work, there are also two projects which we have been jointly running with PPCS as part of a continuous improvement approach:

PAROM1 project

This project is examining the reasons for a significant number of PAROM 1 reports being of insufficient quality for the needs of the Parole Board. It recognises the challenging context in which practitioners are having to work and the demands on their time. The project aims to identify the root causes in order to produce an improvement plan to address the identified issues and support probation practitioners in this important area of work.

Dossier Improvement Project

This project is reviewing the content (what should be in a dossier), structure (format, order etc) and physical presentation (pagination, legibility, completeness) of dossiers prepared for parole reviews. We consulted with Parole Board members and staff as well as colleagues from PPCS, the Prison Service and the Association of Prison Lawyers (APL) to identify where and how improvements can be made. There are some quick wins in relation to presentational issues and provision of basic information and we hope to start making a positive impact very shortly.

Member News – Stephanie McIntosh

We ran a series of member training events during November and December and now have over 70 members trained to undertake the new MCA assessments. We have produced new template forms and these are already in use. Over the next six weeks we will be training further groups of members and MCA will be fully implemented from 1 March. This will mean all existing paper review processes will cease and all cases, irrespective of sentence or review type will undergo MCA assessment at the paper stage.

We are still trialling the recording of oral hearings and a number of our members are using digital recorder machines. Once we have fully analysed

the feedback we will take a decision on whether to roll this out for all oral hearings. Further information will be issued in due course. In the meantime, we would like to thank you for your co-operation where you are involved with a case being recorded as part of our trial period

New Head of Member Practice

I wanted to take this opportunity to introduce myself to you. I started at the Parole Board in November 2014 as Head of Member Practice. My role and responsibilities centre on day to day casework support for Parole Board members, which means working closely with the litigation team; and developing the Quality Assurance framework which informs the training and development of Parole Board members. I have already been in contact with Prison and Probation stakeholders and received helpful and informative feedback on the impact of the work that Parole Board members undertake. I have a background working as a solicitor; and then with the Probation Service as an Offender Manager which included secondments to the Office of Security and Counter-Terrorism and a Youth Offending Team. My most recent role was as a senior manager in a voluntary sector organisation that worked to support prisoners' families. I'm delighted to be here and welcome the opportunity to develop stakeholder relationships with the Member Development & Practice team.

Anisha.Mehta@paroleboard.gsi.gov.uk.cjism.net

Legal Matters – Natalya O'Prey

You may be aware that Amy Shepherd, our temporary Litigation Assistant, has now left the Parole Board. Robert Grant has now taken up the new post of Assistant Legal Advisor, having been with the Board for 18 months as a case manager.

Since the last edition of the Boardsheet, we have received judgments in the cases of *Guntrip*, *Bayliss* and *Parratt*. Each of these cases alleged delays of some sort against the Board, but were from a period pre-dating Osborn. Bayliss was dismissed. In *Guntrip*, the court found that delays had occurred which breached article 5(4) and an award of damages was made. Of more interest, perhaps, was the issue of whether the Board's decision to refuse an oral hearing in 2012 was lawful. In this case, an oral hearing had been requested but no detailed reasons were provided by the Claimant to suggest why one

was necessary. The court concluded that "...there was simply no basis for the Board to provide an oral hearing other than the fact that the claimant wanted one and disagreed with the consistent case against his release or progression in sentence."

Parratt was a case where the Claimant was arguing that if it could be shown that a delayed hearing that resulted in a move to open conditions delayed eventual release, then damages for the breach of 5(4) that led to the recommendation to move to open conditions ought to be at the Faulkner levels, rather than at those in Sturnham. The court agreed with the Claimant, in a judgment that made it clear that it would be necessary for such a Claimant to show on the balance of probabilities that he would have been released sooner, but for the delay in his move to open conditions. In most cases, Claimants will not be in a such a position at the point at which the 5(4) delay has ended; the fact that this case had taken a while to reach the Judicial Review hearing meant that his next review had taken place at which he was released and so he was in a position to show that he would have been released sooner.

Levels of claim appear to be relatively stable now, with 9 new claims filed this quarter. We have received a few claims that argue the current delays indicate that there is systemic failure that breaches public law duties. To date none have proceeded as the Claimants' oral hearings have been listed, but the Board does expect to see further such claims while the listing backlog exists.

Engagement with Victims

The Parole Board is undertaking a number of initiatives to help improve the victim experience. Our first big piece of work is the publication of an information booklet which aims to inform victims so that expectations are accurate and realistic and to help victims decide whether they want to submit a Victim Personal Statement and whether or not they want to request to attend an oral hearing to read it out in person. It aims to provide some basic information on how the Board makes its decisions, provide an overview of the normal progress of a sentence of imprisonment, what should go into a Victim Personal Statement and to provide information about what an oral parole hearing is like. This booklet has been drafted and we aim to publish it in the next couple of months.

Alongside this work, we are reviewing the existing practice guidance for members, seeking feedback from panels on recent cases where victims have attended and working closely with our partner

agencies to identify areas where we can improve.

Complaints, Compliments and Comments

This is just a reminder that we are keen to receive feedback from our stakeholders on how we are performing as this is essential as part of our commitment to continuous improvement. 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>

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.gsi.gov.uk

Website transition

We moved our web presence to GOV.uk last summer and to date have not had any particular issues with this. If any of our stakeholders are having difficulty in locating a document or information, or have any other comments on our web presence then please do contact us on:

info@paroleboard.gsi.gov.uk

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