



Ministry
of Justice

Reconsideration of Parole Board decisions: creating a new and open system

April 2018

Cm 9612



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of Justice

Reconsideration of Parole Board decisions: creating a new and open system

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

April 2018



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About this consultation

- To:** This consultation is aimed at all those who have an interest in the procedural running of the Parole Board and whether the decisions made by the Board should be open to a process of reconsideration where specific grounds are met.
- Duration:** From 28/04/18 to 28/07/18
- Enquiries (including requests for the paper in an alternative format) to:** Parole Board Rules Review Team
Post Point 4.18
Ministry of Justice
102 Petty France
London SW1H 9AJ
Tel: 01633 630 942
Email: paroleboardreview@justice.gov.uk
- How to respond:** Please send your response by 28 July 2018 to:
Parole Board Rules Review Team
Post Point 4.18
Ministry of Justice
102 Petty France
London SW1H 9AJ
Email: paroleboardreview@justice.gov.uk
- Additional ways to feed in your views:** This consultation exercise is accompanied by an online survey which can be found at <https://consult.justice.gov.uk/digital-communications/reconsideration-of-parole-board-decisions>
- Response paper:** A response to this consultation exercise is due to be published by Autumn 2018 at: <https://consult.justice.gov.uk/>

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Executive summary

In January 2018, the Government launched a Review into the law, policy and procedures relating to Parole Board decisions (the Review), focusing on the following four work strands:

- a. the law, policy, guidance and practice relating to challenges to Parole Board decision making,
- b. the transparency of Parole Board decision making,
- c. victim involvement in Parole Board hearings, and
- d. arrangements for communicating with victims.

This consultation is a direct result of the Government Review and considers the detail of the proposed new mechanism to allow the reconsideration of Parole Board decisions.

We agree with many people with whom we engaged in the Review that, in certain circumstances, Parole Board decisions should be allowed to be reconsidered. This would mean people could raise concerns about a decision without having to take the onerous step of launching a judicial review. It will also allow the Parole Board to take account of erroneous decisions and re-panel a case if it is deemed necessary.

After careful consideration, the Review has concluded that such a mechanism should be part of the current structures, and therefore part of the Parole Board, but properly protected and distinct. In effect, this will mean that a separate division of the Parole Board will look at reconsideration cases. This will allow changes to be made quickly and bring about meaningful change. An external review mechanism would require primary legislation and we believe that, working with the Parole Board, we can deliver a mechanism within the current structures by making changes to the Parole Board Rules.

It is important that, where there are valid concerns about an initial decision, the subsequent reconsideration is open and transparent. We envisage that the new mechanism would be judge-led and as open and transparent as possible. This would include hearings being open to the public and information being provided publicly about the panel members who make those decisions.

Given the technical nature of such a mechanism, its impact on the wider system and high levels of public interest, we are consulting on the detail of the proposed mechanism to inform its development.

The consultation considers:

- a. the types of decision to be reconsidered,
- b. who can apply for reconsideration of a decision,
- c. the threshold that must be met for a decision to be reconsidered, and
- d. how we can make the reconsideration process transparent, whilst also ensuring there are sufficient safeguards in place to protect panel members, victims and others.

Introduction

Background

1. The Parole Board was set up in 1967 to advise the Home Secretary, who at that time was responsible for making decisions regarding the release of prisoners on licence and their recall to prison. The Parole Board has since evolved, largely in response to case law, from an advisory body into one that is independent, possessing a quasi-judicial function.
2. The Parole Board is now established, under the Criminal Justice Act 2003, as a body corporate. It has the status of an executive non-departmental body, meaning that although it receives its funding from central government through the Ministry of Justice, its day-to-day operations are independent. The 2003 Act provides that Secretary of State for Justice does however appoint members of the Parole Board and make rules governing the proceedings of the Board through the Parole Board Rules.¹ The most recent amendments to Parole Board Rules were made in 2016.
3. The Parole Board:
 - a. makes decisions on release for indeterminate sentenced prisoners and some determinate sentence prisoners;
 - b. where responsible for the initial release of the prisoner, makes decisions on licence conditions and any subsequent variation to those conditions;
 - c. reviews the circumstances in which all indeterminate and some determinate sentence prisoners have been recalled to prison for alleged or actual re-offending, or breach of licence during the probation supervision period, and decides whether to re-release these prisoners. This function often requires the Parole Board to make findings of fact about the circumstances of recall, and
 - d. makes recommendations to Secretary of State on the transfer of indeterminate sentence prisoners from a closed (high or medium security) to an open (low security) prison, and compassionate release of indeterminate offenders.
4. The Parole Board cannot:
 - a. make assessments as to whether the original sentence handed down by the court was suitable and/or appropriate;
 - b. make an assessment as to release based on anything other than the risk of an offender.
5. In January 2018, the Secretary of State launched a Review into the law, policy and procedure relating to parole decisions, focussing on the following four work strands:
 - a. the law, policy, guidance and practice relating to challenges to Parole Board decision making,
 - b. the transparency of Parole Board decision making,

¹ <http://www.legislation.gov.uk/ukxi/2016/1041/contents/made>

- c. victim involvement in Parole Board hearings, and
 - d. arrangements for communicating with victims.²
6. This consultation relates to recommendations arising from the part of the Review that focusses on the law, policy, guidance and practice relating to challenges to Parole Board decision making.

Current Position

7. Normally, once the Parole Board reach a decision, then that decision is final and it cannot be reopened by the Board itself. Consequently, the main way in which a Parole Board decision can be reconsidered is through judicial review.
8. Additionally, the Parole Board has the power to reconsider a case in very limited circumstances.

Judicial Review

9. The judicial review process can be used to challenge most decisions by a public body.
10. The general grounds for seeing judicial review are:
- a. illegality of a decision
 - b. irrationality (unreasonableness) of a decision
 - c. procedural unfairness in the decision-making process³
11. Anyone may apply for a judicial review if they can satisfy the court that such grounds exist and if they can demonstrate to the court that they have sufficient standing (interest in the outcome).
12. In order to bring a judicial review, the applicant must have exhausted all other avenues of appeal. In the Parole Board context, this means that if an offender has the opportunity to request an oral hearing then this request should be made first.
13. For some parties, the lack of public transparency around Parole Board decision making can make bringing a case difficult as there is limited access to the information on which they can base their arguments for judicial review.
14. The Worboys case is the first example of anyone, other than the offender bringing a successful judicial review against a decision by the Parole Board and it was the first time a victim had brought a challenge.

Re-referral

15. The Parole Board's power to revisit some decisions was established through case law and is only applicable to decisions relating to whether an individual is granted or refused release when they have reached their parole eligibility point.

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674955/pb-review-terms-of-reference.pdf

³ <https://www.judiciary.gov.uk/you-and-the-judiciary/judicial-review/>

16. The grounds for a Parole Board to reopen their decision were established in case law in the case of Robinson in 1999 and are as follows:
 - a. The decision was fundamentally flawed (e.g. based on significant incorrect information); or
 - b. There has been a supervening material change of circumstances (e.g. a prisoner's risk level substantially elevates, or an essential component of the release plan falls through).⁴
17. Examples of this would be where the Parole Board considered information about the wrong offender or there has been a fundamental change to the plans for an offender's release, such as that the Approved Premise they were to be released to can no longer take them.
18. The grounds for the Parole Board to reopen their decision by re-referral are extremely limited and the threshold to meet these grounds is extremely high. In other cases, once a Parole Board decision is made, it is final and cannot be reopened.

Scope of the Consultation

19. This consultation is aimed at those who have an interest in the decision making of the Parole Board for England and Wales. This paper considers and seeks views on the proposed parameters for and operation of the proposed reconsideration process, with respect to:
 - a. which types of decisions should be reconsidered,
 - b. who should be able to apply for reconsideration of a decision,
 - c. on what basis a decision should be reconsidered, and
 - d. how we can make the process transparent whilst also ensuring there are sufficient safeguards to protect panel members, victims and others.
20. This document does not cover other issues considered within the Government's Review of the law, policy and procedures relating to Parole Board decisions, including:
 - a. the transparency of Parole Board decision making generally,
 - b. victim involvement in Parole Board hearings, and
 - c. arrangements for communicating with victims.
21. There are, however, interdependencies between this consultation on the design of a reconsideration process and other issues considered as part of the Government's broader review into the law, policy and procedures relating to Parole Board decisions. This includes the issue of transparency. For example, more information being provided to victims and the public about the reasons underpinning Parole Board decisions may mean that they are better informed and more able to articulate the grounds required to launch an application for reconsideration of a decision. The issues relevant to transparency are considered in more detail, in paragraphs 55 to 58.

⁴ r-v-parole-board-ex-parte-robinson-1999 EWHC Admin 764.

22. An Impact Assessment and Equality Statement have been published alongside this document. We have asked relevant questions on equalities at the end of this paper. Equalities considerations will be amended to reflect the outcome of the consultation.

The Proposal

23. As explained, the current powers for the Parole Board to reconsider a case are very limited in terms of the parties to whom it is available. The grounds on which a case can be re-referred are also extremely narrow. Therefore, if this threshold is not met there is no other alternative but to issue a judicial review.
24. A new mechanism for Parole Board decisions to be reconsidered prior to reaching judicial review would:
 - a. allow the creation of a process that was specifically designed to reconsider Parole Board decisions,
 - b. allow decisions to be reconsidered before any judicial review, and
 - c. could provide for increased transparency in the system.
25. We have concluded that, in certain circumstances, Parole Board decisions should be allowed to be reconsidered. This would mean people could raise concerns about a decision without having to take the onerous step of launching a judicial review. It will also allow the Parole Board to take account of erroneous decisions and re-panel a case if it is deemed necessary. The need for a reconsideration mechanism prior to judicial review was advocated by many of those with whom we engaged.
26. After careful consideration, the Review has concluded that such a mechanism should be part of the current structures, and therefore part of the Parole Board, but properly protected and distinct. Effectively this will mean that a separate division of the Parole Board will look at reconsideration cases. This will allow changes to be made quickly and bring about meaningful change. An external review mechanism would require primary legislation and we believe that, working with the Parole Board, we can deliver a mechanism within the current structures by making changes to the Parole Board Rules.
27. We also envisage that the new mechanism would be judge-led, with hearings which could, in some circumstances, be open to the public (where an oral hearing is held) with information provided publicly about the panel members who make those decisions.
28. For these reasons we are minded to develop a new reconsideration mechanism, established through the Parole Board Rules. We have worked up an indicative design that would operate as follows:
 - a. The Parole Board considers a case on the papers or holds an oral hearing and issues a 'provisional decision' to direct or not to direct the release of a prisoner (as it does at present).
 - b. Release planning is conducted as normal for this 'provisional' decision, so as not to delay release beyond that which is necessary to allow a period for an application for reconsideration.
 - c. A decision will remain 'provisional' before becoming a final decision. The duration of the period during which the initial decision can be challenged is yet to be

- decided, but should be proportionate so as to limit the impact to all parties who may bring a challenge or be affected by the decision.
- d. Once this period has elapsed the decision will be considered 'final' and the release process is actioned. No application for the decision to be reconsidered will be accepted after this period has elapsed.
 - e. Applications can be made to the Parole Board for a decision to be reconsidered before a decision becomes final.
 - f. A member (it is envisaged that this will be a judicial member) of the Parole Board will assess whether any application for reconsideration meets the required threshold based on agreed grounds and within the agreed timescale (the threshold is considered from paragraphs 46 to 54 below).
 - g. Where an application meets the threshold, the judicial member will decide on next steps. If there is something fundamental in the consideration of the case which resulted in a decision being flawed, the case will be reconsidered in the most appropriate way. This may result in:
 - i. reconvening the previous panel, or
 - ii. a rehearing with a new panel either as a paper or oral hearing. For the latter, we would expect this to be chaired by a judicial member.
 - h. If an oral hearing is held we envisage that this could, in some circumstances, be accessible to the public with information about panel members who make reconsideration decisions.
29. Our proposal is that this reconsideration mechanism would be run within the Parole Board but by a distinct and specialist division.
30. Prisoners will have to demonstrate that they have exhausted all other routes for making representations to the Board before resorting to the reconsideration process, for example by requesting an oral hearing where they wish to challenge a decision made on the papers.

Types of decisions to be reconsidered

31. The Parole Board currently:
- a. makes decisions on release for indeterminate sentenced prisoners and some determinate sentence prisoners prior to an automatic release date (some extended sentences and discretionary conditional release sentences), and for all indeterminate sentence and certain determinate recalled offenders;
 - b. where responsible for the initial release of the prisoner, makes decisions on licence conditions and any subsequent variation to those conditions; and
 - c. makes recommendations to Secretary of State on the transfer of indeterminate sentence prisoners from closed to open conditions, and compassionate release of indeterminate offenders.
32. We propose that the reconsideration mechanism is applicable to decisions where the Parole Board has directed or denied release for those who have reached the parole eligibility point in their sentence. This would include recall decisions.

33. Other decisions, recommendations or judgements made by the Parole Board have other mechanisms to be changed or challenged:
 - a. Decisions on licence conditions for cases under the remit of the Parole Board can be varied on application to the Parole Board. This application can be by the offender, the Secretary of State or victims at any time – including after release.
 - b. Recommendations made on transfer to lower category establishments are recommendations for the management of individuals and not decisions on their liberty. The Secretary of State or his representatives make the actual decisions on categorisation and prisoner location.
 - c. Procedural decisions, including whether a case should be progressed to an oral hearing or whether to adjourn or defer a case – these can be altered by the Parole Board.
34. Only decisions made by the Parole Board to release or not to release a prisoner do not currently have a process for reconsideration, other than through judicial review.
35. Nor do decisions made by the Board to release or not to release a prisoner currently have a robust and considered internal process for reconsideration. Given these decisions are arguably those that hold the most gravity, and given their impact on the liberty of individuals and on public safety, we believe that it is right that these decisions are open to fair and appropriate scrutiny and that they can be subject to appropriate challenge.
36. There may also be some cases where there is strong public interest in automatic reconsideration. In such cases there would be no need for an application to be made – the case would be automatically referred for reconsideration. Such an approach could be taken, for example, where a prisoner's release is directed straight from closed conditions rather than them progressing from closed, to open and then release, or in very high-profile cases.
37. It is important that we have some limit on the types of decisions subject to a new reconsideration process as the scope of the mechanism will also have an impact on:
 - a. the timeliness of cases being processed with potential delays in final release decisions,
 - b. a possible Parole Board backlog of cases as they manage any reconsideration applications,
 - c. prison places, and population management, as processing of cases may cause delays.
38. The mechanism could also be limited to certain offences or sentence lengths where there is a greater public interest in enabling decisions to be reconsidered.
39. The impact of the above would remain manageable and proportionate if eligibility for the reconsideration mechanism is restricted to those decisions for which release is considered and either approved or denied.
40. Taking this approach would allow us to ensure the reconsideration process is focussed only on those decisions which have an immediate impact on the liberty of offenders, allowing the Parole Board to progress cases quickly and purposefully.

Question 1

Do you agree that decisions where the Parole Board directs a prisoner be released or prohibits them from being released should be in the scope of the proposed reconsideration mechanism?

Who should be able to apply for reconsideration of a decision?

41. The current mechanisms for decisions to be reviewed are available to the following individuals:
 - a. **Re-referral** – this mechanism is not available to victims, the media or the wider public and is, in any event, very limited.
 - b. **Judicial review** – Any person may apply for a judicial review if they can satisfy the court that they have ‘sufficient interest’ in the matter.
42. Our analysis of comparable international jurisdictions indicated that in Canada, New Zealand and the Australian states examined, only an offender can apply for review or appeal of a decision. In those jurisdictions, a process akin to judicial review is also generally available.
43. Whilst it is important that the new process is manageable for the Parole Board, we recognise there is extensive public interest in Parole Board decision making, particularly with respect to decisions to release or not to release an individual. We also recognise that increased transparency will enable others to make more informed comment on the decisions of the Parole Board. Further, it is important that the criminal justice system and associated decision making should be conducted in as open and transparent a way as possible.
44. There are a range of options for who has the ability to apply for reconsideration of a decision. One option is to adopt an open approach as to who can raise an application for reconsideration. This will allow any individual who believes that a decision satisfies the threshold for reconsideration to submit an application to trigger the process. This does not mean that they would then become a party to the case. Another option is to limit those who can make applications to the parties to the case – the offender, the Parole Board and the Secretary of State. Potentially, victims of an offender could also be included although they are not a direct party to Parole Board proceedings.
45. As described above, the application will then have to meet a threshold check to ensure it meets the grounds to satisfy reconsideration. This will be conducted by a discrete reconsideration division within the Parole Board.

Question 2

Which individuals or groups should be able to make an application for a decision to be reconsidered?

On what basis should a decision be reconsidered?

46. The current grounds for Parole Board decisions to be challenged at judicial review are widely known and accepted by the legal community. However, a high threshold is set for a challenge to succeed.

47. Another basis for reconsideration could be “merit based” grounds. These are grounds which allow a broader approach to reconsideration and potentially would allow appellants to request reconsideration based on a disagreement with a decision made, as opposed to errors of law or of process.
48. The use of merit based grounds would enable an extremely broad and potentially unmanageable range of applications for the Parole Board. The Parole Board make detailed judgements about an offender’s level of risk based on extensive reports and information through an inquisitorial rather than wholly adversarial approach. It is the nature of these judgements that not everyone will agree with every panel’s decision. But that in itself should not become a reason to trigger reconsideration, which should be restricted to cases where there are substantive errors in decision making or if there are process failings. We therefore consider that a wholly merits based approach is not workable at the present time.
49. We are therefore minded to adopt a reconsideration mechanism internal to the Parole Board which has a threshold akin to that of judicial review but with broadened parameters. We believe that using the criteria of a legal framework which is widely accepted and understood would mean that applicants will be able to engage more easily in the process.
50. The Parole Board will have some flexibility for broader requests for reconsideration to be considered.
51. We have considered the grounds used within a number of other appeal mechanisms and those used in the parole process of other international jurisdictions. These include but are not limited to:
- a. appeals to the Upper Tribunal from the First-tier Tribunal⁵
 - b. the Crown Prosecution Service appeal process⁶
 - c. the Unduly Lenient Sentence scheme⁷
 - d. the process in place in Canada, New Zealand and certain Australian states.⁸
52. We are minded to use grounds that are comparable to those used to appeal a decision of the First-tier Tribunal to the Upper Tribunal. The grounds are that there must be a point of law arising from the decision.
53. Examples that have been established as points of law are listed below:
- a. made irrational findings on matters that were material to the outcome
 - b. failed to give reasons for findings on material matters
 - c. failed to resolve conflicts of fact or opinion on material matters

⁵ <https://www.judiciary.gov.uk/publication-jurisdiction/first-tier-tribunal/>

⁶ https://www.cps.gov.uk/victims_witnesses/victims_right_to_review/

⁷ <https://www.gov.uk/government/news/unduly-lenient-sentence-scheme-ensuring-justice-for-victims-of-crime-and-their-families--2>

⁸ Our analysis of mechanisms in these other jurisdictions indicate that the basis for appeal or review is based broadly on judicial review grounds.

- d. gave weight to immaterial matters or failed to take account of relevant considerations
 - e. made a material misdirection of law on any material matter
 - f. committed a procedural irregularity capable of making a difference to the outcome or fairness of the proceedings
 - g. made a mistake about a material fact which could be established by objective and uncontentious evidence, where the appellant was not responsible for the mistake, and where unfairness resulted from the fact that a mistake was made.⁹
54. We believe these grounds provide a manageable and sufficiently broad basis for the reconsideration mechanism and appropriately balance the need to challenge with the need to allow the Parole Board to continue with their core business.

Question 3

Do you agree that any reconsideration mechanism introduced should consider grounds similar to those used within judicial review?

Question 4

Do you agree that the ground used within First-tier Tribunal provide helpful parameters for the grounds of a reconsideration mechanism?

How can we make the new mechanism transparent?

55. The Government Review into the law, policy and procedure of Parole Board decisions is introducing changes so that a summary of the reasons for Parole Board decisions relating to the release of an offender will be made available to victims. This explanation will also be available to others if the Parole Board deems this to be appropriate. This will mean that more information about the reasons for Parole Board decisions will be made available than it is currently.
56. Where the new reconsideration mechanism applies, information about the reasons for decisions will be made available after a provisional decision. This will enable more informed applications for reconsideration. Improving the transparency of the parole system is a journey and we believe that once these changes embed it may be possible to increase transparency in other parts of the system.
57. It is important to consider whether, where there are valid concerns about an initial decision, the subsequent reconsideration could be more open and transparent. We envisage that the new mechanism would be judge-led and as open and transparent as possible. This could include hearings being open to the public in some circumstances and public information about the panel members who make those decisions.
58. It is, however, also important that we balance transparency with the need to protect privacy so that offenders and witnesses to the Parole Board are able to be candid in hearings in order to properly inform the Parole Board's process of risk assessment. Without this candour the assessments of the Board could not be as rigorous. It is also important that private information about victims is not released publicly. Similarly,

⁹ Mainly based on *R (Iran) v Secretary of State for the Home Department [2005] EWCA Civ 982*

concerns have been raised about releasing the names of panel members on individual cases without sufficient protection for their safety and tenure.

Question 5

How could we increase public access to reconsideration hearings in some circumstances and provide more information about reconsideration decisions whilst also making sure that the process remains robust and protects victims?

Question 6

What more could we do to make the reconsideration process as open and transparent as possible?

A Welsh language consultation paper is available at <https://consult.justice.gov.uk/digital-communications/reconsideration-of-parole-board-decisions>

Equalities

59. To inform responses to this consultation document we have published separate analyses of potential impacts.
60. An Impact Assessment and Equality Statement have been published alongside this document. We have asked a question on equalities within this paper which is included at the end for completeness.
- a. Impact Assessment: can be found at: <https://consult.justice.gov.uk/digital-communications/reconsideration-of-parole-board-decisions>
 - b. Equality Statement: in light of our obligations under the public sector equality duty in section 149 of the Equality Act 2010 this considers the potential effects of our proposals according to the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The equality statement can be found at <https://consult.justice.gov.uk/digital-communications/reconsideration-of-parole-board-decisions>
61. We welcome comments about the accuracy and extent of the impacts identified. We particularly welcome responses from those who identify themselves as sharing a protected characteristic or from interest groups representing those with protected characteristics. The responses received will be taken into account as the Government decides the best way forward following the end of the consultation period.
62. An Impact Assessment indicates that offenders and victims are likely to be particularly affected:
- Offenders:
- Parole Board decisions will not be made as final until a period has elapsed during which an application for reconsideration may be lodged. This creates ambiguity for the offender and potentially some resultant delay in release. This should be mitigated wherever possible.
 - This resultant delay may impact prisoner/offender wellbeing and potentially behaviour.

Victims:

- Parole Board decisions will not be noted as final until a period has elapsed during which an application for reconsideration may be lodged. This creates ambiguity for the victim, and a delay in finding out the confirmed result of the Parole Board Hearing. This should be mitigated wherever possible.

63. Implications in respect of cost and resources are noted below:

- a. Proposals are likely initially to lead to additional resource costs for the Parole Board in dealing with the initial applications and resourcing the threshold check and resulting activity.
- b. There may be resource implications for prison places with:
 - i. a delay in the processing of cases and a consequential impact on timeliness of hearings,
 - ii. Parole Board decisions not noted as final until a period has elapsed during which an application for reconsideration may be lodged, resulting in longer stays in custody.
- c. Proposals may have an unintended negative consequence for other public sector partners/third sector providers offering support and post-release resettlement and rehabilitative support to prisoners. They may be affected by process delays and as a result their ability to plan for release/offer support may also be affected. This should be mitigated wherever possible.

64. An Impact Assessment is attached. Comments on the Impact Assessment and the specific questions it contains are very welcome.

Equalities Questions

Question 7

What do you consider to be the equalities impacts on individuals with protected characteristics of each of the proposed options for reform? Please give reasons.

Question 8

Do you agree that we have correctly identified the range of impacts under each of the proposed reforms set out in this consultation paper? Please give reasons.

Copies of the consultation paper are being sent to:

Association of Chief Police Officers

Association of Prison Lawyers

Bar Council

Centre for Crime and Justice Studies

Centre for Public Law

Council of HM Circuit Judges

Criminal Bar Association

Department of Health

Reconsideration of Parole Board Decisions: Creating a new and open system

HM Inspectorate of Prisons
HM Inspectorate of Probation
Howard League for Penal Reform
Independent Monitoring Boards Secretariat
Institute for Criminal Policy Research
Judicial Appointments Commission
Justice
Justices' Clerks Society
Law Society
Legal Action Group
Liberty
London Victims' Commissioner
Lord Chief Justice
Magistrates' Association
NACRO
National Association of Probation Officers
National Victims' Association
Parole Board for Scotland
Parole Commissioner for NI
Prison Governors' Association
Prison Officers' Association
Prison Reform Trust
Prisoners' Advice Service
Probation Chiefs Association
Rape Crisis Association of Police and Crime Commissioners
The Attorney General and Solicitor General
The National Police Chiefs Council
The Parole Board for England and Wales
The Victims' Commissioner
Victim Support
Youth Justice Board

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Questionnaire

This consultation paper seeks views on key issues regarding the finality of Parole Board decisions making and whether decisions should be open to reconsideration.

If you do not agree with any of our findings please explain why and explain what additional or alternative provision you think should be made.

- 1. Do you agree that decisions where the Parole Board directs a prisoner to be released or prohibits them from being released should be in the scope of the proposed reconsideration mechanism?**
- 2. Which individuals or group should be able to make an application for a decision to be reconsidered?**
- 3. Do you agree that any reconsideration mechanism introduced should consider grounds similar to those used within judicial review?**
- 4. Do you agree that the grounds used within First-tier Tribunal provide helpful parameters for the grounds of a reconsideration mechanism?**
- 5. How could we increase public access to reconsideration hearings in some circumstances and provide more information about reconsideration decisions whilst also making sure that the process remains robust and protects victims?**
- 6. What more could we do to make the reconsideration process as open and transparent as possible?**
- 7. What do you consider to be the equalities impacts on individuals with protected characteristics of each of the proposed options for reform? Please give reasons.**
- 8. Do you agree that we have correctly identified the range of impacts under each of the proposed reforms set out in this consultation paper? Please give reasons.**

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 28 July 2018 to:

**Ministry of Justice
Parole Board Review Team
Post Point 4.18
102 Petty France
London SW1H 9AJ**

Email: paroleboardreview@justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <https://consult.justice.gov.uk/>.

Alternative format versions of this publication can be requested from paroleboardreview@justice.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published in Autumn 2018. The response paper will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

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The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

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