

What is Parole and how does it work? Video Transcript

Hi, my name is Chris, and I am a Parole Board member. I want to take you through the parole journey, from how parole works, everyone we engage with and how we make decisions.

The Parole Board is an independent body that sits as a court.

Our main role is to decide whether a prisoner can be safely released, or whether they should remain in prison for the protection of the public.

Prisoners do not apply for parole. They are referred to the Parole Board by the Secretary of State for Justice when eligible.

But not every prisoner will come to the Parole Board. It depends on the type of sentence they received by the sentencing Judge.

Approximately 90% of prisoners will be automatically released and spend the rest of their determinate standard sentence on licence in the community.

For cases that require a Parole review, a panel of Parole members will assess the case thoroughly.

Members are specially trained to make parole decisions. They come from diverse backgrounds and professions.

What happens when a case is referred?

The Public Protection Casework Section (PPCS) which is part of His Majesty's Prison and Probation Service, own and prepare the prisoner's file called a 'dossier'. They make a referral to the Parole Board once a case is ready for a parole review.

The dossier contains hundreds, sometimes thousands of pages, and includes information about the prisoner's initial offence and reports whilst in prison.

Victims signed up to the Victim Contact Scheme (VCS) are kept informed of the referral and parole review, victims can choose to be a part of the parole process.

Further information on our commitment to victims can be found in the video - "Victims and survivors of crime: Parole Explained"

The case will move to an initial assessment, called a Member Case Assessment (MCA) where the prisoner's case is reviewed from the written evidence. At this stage, a member can decide if:

A prisoner should remain in custody

An oral hearing is required to question the prisoner and witnesses

It can take approximately 16 weeks for an oral hearing to be arranged and for a date to be listed.

Recommend open conditions if eligible

An open prison is one where a prisoner will be allowed temporary release into the community on licence.

The Secretary of State can accept or reject this recommendation.

Release a prisoner based on the written evidence.

Whilst the panel will do everything to ensure the hearing goes ahead as planned, there may be unforeseen circumstances that arise at short notice which prevent this from happening and the panel will need to delay the hearing. This is called an adjournment.

This usually happens if more evidence is needed, this can happen before a hearing or on the same day or during a hearing.

Members try their best to avoid adjournments and will only do so if necessary.

What happens at an oral hearing?

A panel of parole members will question the prisoner, witnesses and professionals who know them.

Like the prison offender manager (POM) or the community offender manager (COM), psychologists or other professionals.

This is to assess a prisoner's understanding of the offence and if they have had made any progress in custody.

They assess the prisoner's risk of re-offending and how any risks might be managed if they are released.

Hearings can take place remotely (via phone or video link), in person at the prison, or hybrid where some participants meet in person and others join remotely.

They can last anywhere between a couple of hours to a couple of days.

The chair of the panel manages the hearing.

Parole hearings have a court like status, but proceedings may differ with what is experienced at criminal courts.

A prisoner may attend the hearing, but they can choose not to if they wish. A legal representative will attend if the prisoner instructs them.

The panel recognises each case is different; there is no one size fits all approach. Each panel will tailor their questions for the individual case

What happens after the hearing?

The panel will discuss and decide an outcome for either:

Release

Remain in custody

Recommendation for open conditions *if eligible*

They will share the decision within 14 days of the hearing and send it to the Secretary of State and the prisoner. If you would like a summary of a parole decision, you can contact

summaries@paroleboard.gov.uk

What happens if an offender is released?

The offender is managed in the community by the Probation Service for the remainder of their sentence under 'licence conditions'.

Licence conditions are a set of rules that offenders must follow.

These can include:

Exclusion zones for certain areas;

not to contact certain people, such as victims

Monitoring factors like alcohol, drugs or use of technology.

Stay at an accommodation approved by their probation officer

The panel decide on suitable licence conditions considering the individual issues.

If an offender breaches their licence conditions, they could be 'recalled' back to prison

Public Hearings

Some cases can be heard in public, where it is in the interests of justice to do so.

Most parole hearings are held in private as required by the Parole Board Rules.

We understand the benefits of some cases being held publicly and anyone can now apply for a hearing to be held in public.

For further guidance on applying for a parole hearing to be held in public, scan the QR Code

Can a parole decision be challenged?

Yes, there are three ways to challenge a parole decision:
Reconsideration, Set Aside and Judicial Review

Reconsideration gives the prisoner, Secretary of State or the victim via the Secretary of State a right to make an application for the Parole Board to review their decision, if they believe that the original decision was:

Irrational doesn't make sense based on the evidence of risk and no other rational panel would come to the same conclusion

Procedurally unfair. Where the correct process was not followed,

Or, there was an error of law.

Applications for reconsideration must be received within 21 calendar days, excluding Bank Holidays, of the decision being issued.

If no application is received, the initial decision will be made final.

Set aside gives parties to the case (the prisoner and the Secretary of State) the right to ask for a final parole release decision to be looked at again by the Parole Board:

Where new information has come to light that was available at the time but not shared with the panel, or there has been a change in circumstances after the decision was made.

The Parole Board can also apply to set aside its decision if the criteria is met.

A decision regarding a recommendation for open conditions is not eligible for set aside.

If there is serious concern with the decision after 21 days or reconsideration has taken place, then an application for 'Judicial Review' can be made.

Judicial review is a type of court proceeding where a judge reviews the lawfulness of a decision made by a public body which has been challenged, and whether the procedures were deemed as fair.

Parole reviews are undertaken thoroughly and with extreme care.

Protecting the public is our number one priority.