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Victoria Atkins MP
Minister of State
Ministry of Justice
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Dear Minister,

Further parole changes made on 30 June

I wrote to you on 16 June about major changes to the parole system announced by press release on 5 June. I explained that those changes came into effect with no accompanying information for either staff or prisoners. We are already hearing accounts from prisoners serving very long sentences who have been informed of those changes by means of a note pushed under the cell door. But to be fair to prison staff, there is still nothing that they can draw on to explain the practical implications, or what prisoners can do to meet the new tests you have set out. Your failure to prepare for such a significant change has created a risk to the safety of the people most affected by it, and distress for the families on whom they depend for support both now and in the future.

So it is deeply concerning that you should now have repeated this inadequate process in the publication on 30 June of new Parole Board rules. The majority of those new rules implement a policy on public hearings on which you consulted widely and published a detailed reasoned response to consultation. While we disagreed with the policy you chose to pursue, the process of arriving at it was transparent and resulted in detailed provision designed to meet the many concerns which respondents raised. As a result, it should at least be possible to explain to prisoners and their families what those various safeguards are, and it is disappointing that you have chosen not to do so at the moment the policy is implemented.

For the remainder of the new rules, so far as we are aware there has been no process of consultation or consideration outside the department of their practical implications. In particular, provision is made for a "single view" from the Secretary of State to inform Parole Board panels considering both release and transfer to open conditions. The only explanatory text accompanying the statutory instrument appears to be contained in the accompanying press release, which says:

> *Recommendations for release or moves to open prison for the most serious offenders – including murderers, rapists, terrorists and those who have caused or allowed the death of a child – will also now be made by the Deputy Prime Minister before going to the Parole Board for its final decision.*

Although the general public is unlikely to realise this, we assume that what it means in practice is that those recommendations will be made in the overwhelming majority of cases by officials acting with delegated authority. So, similar questions arise as in my previous (so far unanswered) letter:

- To which cases will this process apply? The press release appears to imply that it will be a "top tier" of 700 or so cases annually, but of course the Parole Board rules apply to all cases considered by the board.
- Who will those officials be?
- How will they be trained and what will be the basis of their expertise?
- What access will prisoners have to them?
- What access will parole board panels have to them?
- To what criteria and guidance will they work in forming a single view on the Secretary of State's behalf?

The statutory instrument raises at least two other questions on which the accompanying press release is wholly silent.

First, it forbids report writers (and, on the face of it all report writers whether or not employed by the Secretary of State) to provide a view on the prisoner's suitability for either release or transfer to open conditions. Given that the reports in question are gathered explicitly to inform those decisions, it seems extraordinary that the Parole Board should be denied the professional, expert opinion of the people compiling them. So far as we are aware, there has been no explanation given for this unusual prohibition. So it would be helpful for prisoners and their families to be told:

- The reason for this prohibition on the expression of a professional opinion.
- To which cases it applies (all, or the "top tier", or some other yet to be defined cohort)
- To which report writers it applies, and how such a prohibition will be enforced if it applies to report writers not directly employed by the Secretary of State
- Whether the prohibition is compatible with the professional ethics of the report writers concerned. For example, can a report writer decline to express an opinion in a case where they believe a person's safety would be put at risk by not doing so?
- Whether it will apply retrospectively, with opinions from previous dossiers excluded, or censored from dossiers currently under preparation or disclosed
- Whether officials acting under the Secretary of State's delegated authority who will have the freedom to express an opinion will also be involved in explaining to

prisoners in the years leading up to parole what they must do to satisfy them that either a move to open conditions or release may be recommended

Secondly, in obvious contradiction to the statement in the accompanying press release, the new rules suggest that the Secretary of State will form a "single view" on a prisoner's suitability for release only "where considered appropriate". So it would be helpful to know:

- What the test of "appropriateness" will be for the expression of a view on release by the Secretary of State prior to a parole hearing
- In how many cases the Secretary of State anticipates that test of appropriateness will be met
- Why, in the remaining cases, the Secretary of State would choose to reserve their view until after the Parole Board has reached a conclusion, and what the implications of that delay might be for the prisoner's ability to present their case in full knowledge of the Secretary of State's concerns
- Whether the expression of a single view on suitability for open conditions will also be subject to a similar test or will, as the absence of a reference to it in the amendment rules implies, be supplied in all cases.

These are all wholly predictable questions and the people who are currently struggling to understand the practical implications of this chaotic series of announcements will no doubt have many more. I cannot over-emphasise the urgency of answering them, including the questions in my previous letter of 16 June. Creating this confusion for prisoners and families is both unfair and dangerous. Moreover, it puts the people whose job it is to motivate prisoners to progress in an impossible position, undermining the relationships of trust and confidence on which the system depends.

Please give these matters the urgent and detailed attention they deserve.

Yours sincerely,

Peter Dawson
Director
Prison Reform Trust