[redacted]

26 November 2020

the Parole Board
working with others to protect the public

[redacted]
Ministry of Justice
102 Petty France
London SW1H 9AJ

Dear Secretary of State

THE ROOT AND BRANCH REVIEW OF THE PAROLE SYSTEM: PUBLIC CONSULTATION ON MAKING SOME PAROLE HEARINGS OPEN TO VICTIMS OF CRIME AND THE WIDER PUBLIC

I am pleased to attach the Parole Board's response to the public consultation on potentially making some parole hearings open to victims of crime.

The Parole Board welcomes this consultation. Since 2018 significant changes have been made to increase transparency in the parole system.

Over 4,000 summaries of our decisions have now been provided (overwhelmingly to victims) and the media routinely ask for and use our summaries when reporting on high profile cases. Given the nature of our work, whilst our decisions may sometimes cause disquiet, it must be right that victims and the public have a proper understanding of why we make our decisions.

Since July 2019 the reconsideration mechanism has provided an effective and transparent way to test the lawfulness and appropriateness of our decisions. Nearly 300 cases have now been reviewed this way and all decisions are being published – to aid transparency and understanding of the legal principles underpinning our decisions.

The Parole Board sees the opening up of our hearings as an obvious next step and believes there should be a discretion for the Chair of the Parole Board to direct this. We do, however, consider that care should be taken, so as not to disrupt the effectiveness of the process, or cause harm to the individuals involved.

To make the best judgment as to whether a prisoner's risk is, or is not manageable in the community, a panel will often need to explore hugely sensitive evidence. This can include details of an offender's offending history (including serious sexual offending), their mental health, and sensitive information about victims. We would be concerned if, by opening up hearings, we prevented the full exploration of such matters.

The Crime and Courts Act 2013 allowed court broadcasting for the first time. This was subject to pilots to ensure that the process did not disrupt court proceedings and that its impact was properly understood. Given that parole proceedings are currently private and will often involve the most sensitive evidence, we would advocate a similar measured approach.

The Board would advocate a staged approach:

- The Rules should be changed to allow a discretion to open up, all or part of a hearing, on application, if it is in the interests of justice.
- The decision on opening up a hearing should always take account of the views of the parties; and should include consideration of the interests of victims and the prisoner.
- We propose that there should be a pilot, to test the practical impact and additional costs associated with opening up the process. We doubt it will be practical to hold an open hearing in a prison.
- Our first priority should be to find an appropriate way to open up the process to victims who clearly have a legitimate interest in the decision.
- Proper support for victims will be crucial. Unless carefully thought through, we think there is potential to cause huge distress to victims (who in our experience find the parole process a cause of huge anxiety).
- Safeguards will need to be in place to minimise the risk of sensitive information being disclosed.
- The Ministry and the Board should work with journalists on how high profile hearings could be opened up to greater media scrutiny (building on our recent work with the BBC, Radio 4, and the Times).
- Subject to the pilot, in the longer term, we think there is potential to go further and hold hearings in a court-room; but we think this must be linked to addressing the status of the Board as an independent judicial body.

If it would be helpful to have any further information, then do please let me know and I would be happy to assist.

Yours sincerely

[redacted]

[redacted]

The Parole Board for England and Wales