[redacted]

the Parole Board

working with others to protect the public

20 December 2019

[redacted]

Ministry of Justice
102 Petty France
London
SW1H 9AJ

Dear Secretary of State

Root and Branch Review of Parole

I am very much looking forward to continuing to work with you to ensure that we have a fair and just parole system that protects the public. I am therefore very pleased that the new Government has announced a renewed focus on these matters.

The tragic events on London Bridge and the shocking case of Joseph McCann underline the seriousness and gravity of the challenges facing the criminal justice system in managing complex and potentially dangerous people. That is why the Parole Board strongly supports the Government's pledge to hold a root and branch review of the parole system. Whilst no system can achieve perfection, I think our system has proven itself to be effective; but I am quite certain there is more that can be done to ensure we have a system which is as safe as possible, sensitive to the needs of victims, and commands the confidence of the public.

The fundamental question must be whether our system is successful in protecting the public from the most dangerous prisoners. We should leave no stone unturned in seeking to answer this question, even if the answers are challenging.

Terrorism

As you know, ahead of the London Bridge attack, the Parole Board had already been working hard to ensure it receives the fullest possible security and other information to assess the risk posed by terrorist and extremist offenders. The Parole Board has already identified a cohort of specialist judges and members to ensure the most sensitive cases are dealt with appropriately. We are now close to finalising our protocol to ensure sensitive information can be shared with the Parole Board whilst being fair to the prisoner. [redacted] of the Parole Board, has received assurances that relevant security information will be appropriately shared, to inform risk assessment and minimise the risk that

[redacted] - [redacted]

3rd Floor, 10 South Colonnade, London E14 4PU www.gov.uk/government/organisations/parole-board

info@paroleboard.gov.uk @Parole_Board 0203 880 0885

INVESTORS IN PEOPLE | Bronze

genuinely dangerous prisoners are released because of problems with information sharing.

We do, however, need to do more. Our members are already trained in risk assessment, but the Parole Board is planning to hold further mandatory training, for all Parole Board members on how to deal with terrorist and extremist offenders to ensure that all decisions are taken as rigorously as possible. There will also be specialist training in February 2020 for chairs with the highest security clearance who will manage TACT cases. The Board supports the Government's wish to ensure that terrorists are appropriately punished and the appropriate use of indeterminate sentences to ensure that genuinely dangerous prisoners are not released until they are assessed as being safe to release.

Victims and transparency

As you know, a huge amount of work has been done in recent years, to improve the treatment of, and information provided to victims involved in the parole process. We are proud to have implemented an effective service that ensures victims can receive a summary of a Parole Board decision, and over 2,300 of these summaries have now been issued. A huge amount of information about the role of victims in parole, including an easy to access YouTube video for victims, is also now available.

The Parole Board is always happy to welcome victims, who often show astonishing bravery and fortitude, to read out their victim personal statements at parole hearings. I am pleased to say that we always seek to ensure that they are treated kindly and considerately when they attend. [redacted] has also established a discretionary scheme to assist victims with travelling expenses. We believe that these small humane gestures make a real difference.

Much more could, however, be done. Unlike court buildings, very few of the hearing rooms in prison can comfortably accommodate victims. We could do much more to enable them to give evidence, or even watch the entirety of the proceedings, via a video link. We should also explore the practicality and implications of holding some fully public hearings in a courtroom.

Drawing upon recent discussions with the Victims' Commissioner, we are concerned that some highly vulnerable people are not able to access their rights, because they have not signed up to the victim contact scheme. We therefore strongly support the move to a position where victims can opt out, rather than being asked to opt in shortly after the trauma of a criminal trial. More also needs to be done to ensure that victims can access professional victim support when they are engaged in the parole process.

The assessment of risk

I am concerned that the public and indeed some Parliamentarians do not properly appreciate the central role that the Parole Board plays in the protection

of the public, which is always our over-riding priority. Well over 75% of the prisoners we review each year are assessed by us as being too dangerous to release. Our decisions often result in decades of additional time in prison after the period for punishment has passed. There are currently 3,804 post-tariff indeterminate sentenced prisoners who are being held in prison because the Parole Board continues to assess them as being too dangerous to release. 1,396 IPP prisoners are more than 5 years over their minimum tariff, despite repeated Parole Board reviews because we are not yet satisfied that the statutory release test is met. Without a Parole Board the continuing detention of those individuals would not be lawful under domestic or ECHR law.

I am certain that our decisions prevent highly dangerous prisoners being released and we will not shirk from keeping people in custody for the rest of their lives if they remain a risk to the public. However, the evidence indicates that for most people risk does reduce over time. Our success rate demonstrates that only a tiny proportion of people - consistently at, or less than 1% - are charged with a serious further offence after a Parole Board release, and fewer than that are convicted. That rate compares favourably with the best international parole systems in Australia, New Zealand, Canada and the US.

Whatever period an offender spends in custody, I am certain that our system would be far weaker without an independent risk assessment of the most serious offenders before release is contemplated.

I look forward to discussing with you how we can play an enhanced role in ensuring the public are kept safe; including better sharing the evidence on what works. To support that, I attach a copy of the recently launched Parole Board framework for parole decisions which draws upon international best practice as an example of the way we are professionalising our approach to ensure our decisions are consistently of a high standard.

Ensuring we have the right members

Following your approval, I am very pleased to report the high quality of members recruited in summer 2019, following one of the most successful recruitment campaigns in the history of public appointments. These new members are already starting to make a difference. We are fast-tracking the new serving judges to become panel chairs and would welcome the opportunity to explore if we can expand those numbers, to increase our judicial fire-power, given the pressures we face.

[redacted] the Parole Board, I see it as part of my role to support and protect members making independent but sometimes unpopular judicial decisions. However, given the nature of the decisions entrusted in them, it is also vital that where members fall short of the professional standards expected of them they should not be able to continue in public office. I want to reassure you that, in line with the emerging recommendations of the Tailored Review, where

members are not able to maintain the high standards expected, this will be tackled, and may ultimately result in removal from office, utilising the protocol which has recently been agreed with your office.

Tailored review

Finally, now that the election is over, I hope that ministers will be in a position to sign off on the outcome of the Tailored Review, which makes some crucial recommendations. I am particularly keen to be able to implement the recommendations for a review of our fees structure and tenure changes which are critical to ensuring that we have the right number of panel chairs to deal with the demand for oral hearings. Our expectation is that the number of oral hearings will increase to over 10,000 hearings within one or two years, continuing a longstanding trend.

I am aware that the Tailored Review has reached the conclusion that now is not the time to make the Parole Board a court. I agree with that conclusion; however I know you will understand the vital importance of ensuring the continued independence of a judicial decision making body that is making a huge number of complex and emotive decisions. We may therefore want to consider whether further legislative change is needed to signal the court-like nature of our work.

I am very much looking forward to working with you and to building on the significant improvements that have been made at the Parole Board during 2018 and 2019. I would also be delighted to meet with you again in the New Year.

Yours sincerely

[redacted]

[redacted] **Parole Board for England and Wales**

cc [redacted] Communications and Analysis Group
[redacted] Probation and Wales
[redacted] Women HM Prison and Probation Service