

Martin Jones CBE, Chief Executive

the
**Parole
Board**

working with others
to protect the public

10 October 2022

Peter Dawson
Director
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By email: peter.dawson@prisonreformtrust.org.uk

Dear Peter

Thank you for your letter of 26 August seeking data on the impact on the new criteria for moves to open conditions on Parole Board decision-making and whether those recommendations are accepted by the Secretary of State.

Background

By way of context, it might be helpful to clarify that in all cases apart from pre-tariff cases referred to the Parole Board; it is asked to consider whether the statutory test for release is met namely "whether a prisoner's continued detention remains necessary for the protection of the public". This is a judicial decision and, subject only to the right of parties seek reconsideration, is final. In the majority of indeterminate cases, the Board will also be asked for advice on whether, if the test for release is not met, the prisoner is suitable for a move to open conditions. These recommendations are not binding on the Secretary of State, and the final decision rests with him. The Board must also take account of directions from the Secretary of State when deciding whether a prisoner is suitable for a move to open conditions. There are some categories of prisoner such as terrorist offenders who will not ordinarily be considered for a move to open conditions.

Traditionally the Parole Board has found that a period of testing in open conditions can provide vital evidence to inform the decision on whether a prisoners risk to the public can be managed upon release, because it better prepares a prisoner for release and provides the opportunity for temporary release in the community to seek employment etc. There is strong published evidence from the Ministry of Justice that release on temporary licence prior to release reduces the chances of a prisoner reoffending and the risk to the public. Testing in open conditions prior to release, can also signal areas of risk that have not been identified in closed conditions.

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In the Root and Branch Review of the Parole System the Government signalled:

"Current policy in relation to the Parole Board's role to recommend that a prisoner moves to open conditions, states that the Parole Board's recommendation should be accepted unless there are exceptional reasons to reject it. These are currently considered by officials acting on behalf of the Secretary of State.

The government has decided that this approach will be changed to provide for direct ministerial oversight in cases where the prisoner is serving a sentence for murder, other homicide, rape or serious sexual offence against a child/child cruelty. A new threshold will be applied, such that the prisoner must not only be assessed as low risk of abscond, but that a specified and clear purpose for a time in open conditions must be articulated, including an explanation of why that purpose cannot be met in a closed prison. Equally, we will also consider the extent to which placing the prisoner in an open prison would undermine public confidence in the system of open prisons."

This change of approach was brought forward in new directions to the Parole Board which now provide that:

"Before recommending a transfer to open, the Parole Board must consider:

- i. all information before it, including any written or oral evidence obtained by the Board;*
- ii. the extent to which the ISP has made sufficient progress during the sentence in addressing and reducing risk to a level consistent with protecting the public from harm, in circumstances where the ISP in open conditions may be in the community, unsupervised, under licensed temporary release;*
- iii. whether the following criteria are met:*
 - the prisoner is assessed as low risk of abscond; and*
 - a period in open conditions is considered essential to inform future decisions about release and to prepare for possible release on licence into the community.*

The Parole Board must only recommend a move to open conditions where it is satisfied that the two criteria as described at (iii) are met."

Data

The Parole Board publishes data on the number of recommendations it makes for open conditions in its annual report and accounts we also monitor outcomes through our Management Information systems.

- In 2021-22 the Board made 568 recommendations for open conditions (an average of 47 recommendations a month). The Parole Board also directed the release of 4,139 prisoners over the same period.

- In the first four months of 2022-23 the Board made 139 recommendations for open conditions (an average of 35 recommendations a month). The Parole Board also directed the release of 1,209 prisoners over the same period.

The Parole Board also monitors Management Information data on whether the Secretary of State accepts the Parole Board recommendations. According to that data:

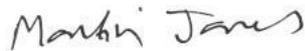
- In 2021-22 94% of Parole Board recommendations were accepted (515 of 549 recommendations processed in the period).

The data for 2022-23 is not yet complete as we are only part way through the year and a number of applications await the Secretary of State's decision. However, the data we have seen to date is as follows:

- In the period April to August 2022 13% of Parole Board recommendations were accepted (11 of 83 recommendations processed in the period).

I hope that is helpful.

Yours sincerely

A handwritten signature in black ink that reads "Martin Jones". The signature is written in a cursive, slightly slanted style.

Martin Jones CBE
Chief Executive
The Parole Board for England and Wales