

The Parole Board Strategy

2016 - 2020

the
Parole
Board

working with others
to protect the public

1. INTRODUCTION

- 1.1 The purpose of this paper is to set out the broad outline of the Parole Board's strategy for 2016/17 to 2019/20. It builds on the existing 18 month plan that was finalised in October 2015 and already successfully improved the Board's performance and it responds to major changes in the context within which the Board works and the increasingly high expectations the Board's stakeholders have of what it can achieve.
- 1.2 Successful implementation of this strategy is dependent on support of our members and staff. An event was held on 25 July to provide the opportunity for members and staff to discuss and contribute to the strategy.

2. CURRENT REMIT

- 2.1 The Board's existing mission statement is:

"The Parole Board is an independent body that works with its criminal justice partners to protect the public by risk assessing prisoners to decide whether they can safely be released into the community"

- 2.2 The Board has five functions in England and Wales:
 - 2.2.1 Deciding whether to release indeterminate sentence prisoners, including life sentence prisoners and prisoners given imprisonment for public protection sentences (IPP prisoners) after their minimum term of imprisonment has expired;
 - 2.2.2 Deciding whether to release some categories of determinate sentence prisoners;
 - 2.2.3 Deciding whether some prisoners who have been recalled to prison can be re-released;
 - 2.2.4 Advising the Secretary of State whether indeterminate prisoners can be progressed from closed to open conditions;
 - 2.2.5 Advising the Secretary of State on any release or recall matters referred to it.

- 2.3 Under the provisions of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, when considering the release of prisoners who come before it, the Board is required to determine whether it is '*satisfied that it is no longer necessary for the protection of the public*' that the prisoner should remain detained.
- 2.4 The Parole Board exercises judicial functions and acts as a Court for the purposes of Article 5 (4) of the European Convention on Human Rights.
- 2.5 The Parole Board's powers and functions are defined in statute by the Crime (Sentences) Act 1997 (as amended), the Criminal Justice Act 2003 (as amended) and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- 2.6 The Parole Board is a body corporate and an arms-length body sponsored by the Ministry of Justice. In May 2016 it had a budget of £14.3m for 2016/17, had c170 members and 115 staff.

3. CONTEXT

- 3.1 Every week, the Parole Board holds on average 150 hearings to consider whether to release prisoners who have committed serious offences. These decisions are of life changing importance to the victims of the offences concerned, the prisoners themselves and their respective families. The Parole Board's decisions are therefore rightly subject to intense scrutiny. The importance of these individual decisions is at the heart of the work of the Board.
- 3.2 The quality, humanity and judgement of individual Parole Board members is, and must continue to be, commensurate with these responsibilities. Being a Parole Board member also requires the courage to make difficult decisions.
- 3.3 There appears to be a wide consensus that major reform of the prison system in England and Wales is required. Levels of self-harm, suicide and violence in prisons are at their highest for years. Sadly many prisoners are held in unsanitary, over-crowded conditions in Victorian prisons that are no longer fit for purpose. The proven re-offending rates for those released from custody, with all the distress that means for victims and harm for communities, remains stubbornly high at 45.6%.
- 3.4 In response, on 18th May 2016, the Government announced a major prison reform programme. The key elements of the reforms are:
 - Greater autonomy and accountability for individual prison governors with a small number of 'reform prisons' leading the introduction of the new approach;
 - A major programme of capital investment of £1.3 Billion across the prison estate;
 - A much greater emphasis on good quality education;
 - Rehabilitation clearly established as the primary purpose of the prison system.

3.5 It is clear that the Parole Board is expected to make a major contribution to these reforms by:

- Creating capacity in the system by ensuring prisoners who are ready to be safely released do not remain in prison because of inefficiencies and delays in the parole system;
- Creating opportunities for rehabilitation, in particular by ensuring indeterminate sentence prisons have encouragement, opportunities and hope to be able to progress and IPP prisoners are not unnecessarily detained for much longer than Parliament or the courts intended. IPP prisoners should only remain in custody where they pose an unacceptable risk to the public;
- Ensuring parole processes are consistent with the desire to give prison governors greater autonomy and responsibility of prisoners in their care.

3.6 The Government position in relation to IPP prisoners was set out in a speech by the then Justice Secretary Michael Gove to prison governors on 13 May 2016:

"But more still needs to be done - and I have asked Nick [Hardwick] to help develop an improved approach to handling IPP prisoners which keeps inside those who pose real risks to the public but gives hope and a reason to engage in rehabilitative activity to the majority".

3.7 It is important to recognise that some IPP prisoners continue to pose a real risk and are unlikely to be safe to release for a long time. Others will need intensive work and management to make release possible. However, the Board is clear that more can and should be done to give 'hope and a reason to engage in rehabilitative activity to the majority.'

3.8 In meeting these expectations, the Parole Board has had to respond to both an increase in the number of cases referred to it, resulting in a fivefold increase in the number of hearings needing to be held over the last decade. In addition, as a result of the Osborn and other judgements, there has been a significant increase in the number of member and staff intensive oral hearings required to determine each case. These pressures built a significant backlog of cases which hit a high of 3,163 cases in early 2015, nearly trebling the number of cases outstanding pre-Osborn.

3.9 The response to these challenges in a period of public expenditure restraint was undoubtedly painful. Morale of members and staff deteriorated and internal divisions arose. In 2015, the Parole Board's staff engagement score in the civil service staff survey was a concerning 50% a drop of 1%, but 8% lower than the civil service average and 17% lower than organisations of a similar size and nature. Parole Board members have described themselves as feeling 'battered' and a lack of confidence is likely to impact on their appetite for risk. The legacy of this period is still apparent but the work done in the past now creates positive opportunities today.

- 3.10 Effective new executive leadership and stronger governance arrangements have already done much to improve performance and heal divisions. The Parole Board's backlog decreased by 17% from April 2015- March 2016 and by August 2016 had fallen by 31.3% from its peak in January 2015. This improvement followed the Board holding a record number of 7,148 oral hearings in 2015-16. This sustained improvement in performance is vital to the reputation of the Board and to those affected by our decisions.
- 3.11 These changes have seen the external reputation and support for the Parole Board's work improve greatly. Relationships with key partners, whose work is crucial to the overall performance of the parole system, have also improved markedly. The Board has also made progress in improving how it treats the victims who are involved in the parole process.
- 3.12 A planned inspection by HM Chief Inspectors/s of Prisons/and Probation in 2016-17 of arrangements for IPP prisoners will help establish a system-wide view of what improvements are required to assist the rehabilitation of this group. Respected academic experts have already started to help the Board obtain a deeper understanding of how the parole system is working in practice.
- 3.13 Agreement has been obtained to recruit significant numbers of new Parole Board members to boost the Board's capacity and over 1,000 applicants took the time to apply. New members are now expected to be appointed in October/November 2016.
- 3.14 Capital funding has been obtained to digitalise the Parole Board's work which should lead to major efficiency gains. By August 2016 40% of our members were starting to use the new devices.
- 3.15 The Parole Board's budget for 2016/17 was not increased to enable the Board to both meet the new demands on it and keep the downward pressure on the number of outstanding cases. The Parole Board Management Committee agreed to maintain current levels of activity for the first half of the 2016/17. However once it became apparent that, despite making significant efficiency gains, the Board needed to reduce the number of planned hearings, the Board successfully persuaded the Ministry to provide the Board with the flexibility to maintain sittings at a higher level.

4. STRATEGIC AIMS 2016/17 TO 2020

- 4.1 The Parole Board must interpret its role and statutory duties in the context of its current environment. It should carry out its responsibilities to assess prisoners for release as part of wider efforts by its criminal justice partners to reduce re-offending and the consequent creation of more victims by reform of the prison system. The Parole Board has a key role to play by ensuring resources and capacity are not wasted by keeping individuals in prison because of inefficiencies in the parole system and that the parole system supports rehabilitative processes.

4.2 The Parole Board should have five overarching strategic aims:

- A. **Safely eliminate the backlog of outstanding cases that are delayed due to capacity constraints by the end of 2017;**
- B. **Work with partners to ensure that by the end of 2017 the majority of IPP prisoners have been safely released, or where risk is not judged to be manageable in the community, have clear plans in place that will enable them to progress;**
- C. **Ensure the Board's remit is focused on those cases where its expertise is of most value and does not detract from partners' rehabilitative responsibilities;**
- D. **Ensuring that the Board's cultural and procedural approach to risk is consistent with the successful implementation of its other strategic objectives.**
- E. **Ensuring that staff and members of the Board work in partnership to continuously improve our processes, whilst treating all with respect and humanity.**

5. BEHAVIOURS

5.1 How the Parole Board works will of course determine what it is able to achieve. In a context where the Parole Board is emerging from a troubled period, a consensus about the behaviours that should characterise its work is more important than detailed descriptions of role or working procedures.

5.2 The Parole Board started to set out its approach in its 18 month plan, but we need to go further. The behaviours which currently characterise the best of the Parole Board's work and which appear necessary to achieve its strategic objectives are:

- **Independent:** Taking independent, impartial decisions on individual cases and positively engaging with partners to achieve the Board's own objectives and responsibilities.
- **Confident:** Individually and corporately willing to take and support decisions on the best available evidence, a shared understanding and commitment to the Board's core purpose and open to the need to adapt and improve where necessary.
- **Collegiate:** A collaborative, respectful working relationship between members, between staff and between staff and members. Willingness to provide and receive both support and challenge.
- **Transparent:** A presumption of openness and disclosure about the work and performance of the Board.
- **Reflective:** Reflective about the Board and individuals' own performance and how it can be improved. Open to the different approaches and the insights members and staff with diverse backgrounds can bring. Empathetic to the experience of both victims and prisoners.
- **Fairness:** Ensure we deal with each individual case fairly, whilst ensuring protection of the public, and sensitivity to victims.

6. OBJECTIVES

6.1 The Parole Board's strategic aims will be underpinned by a number of objectives. Some of these are underway already; some need to be developed. Most objectives will contribute to more than one aim but for simplicity's sake are grouped separately.

6.2 Safely eliminate the backlog of outstanding cases that are delayed due to capacity constraints by the end of 2017

6.2.1 Continue to manage cases and maximise listings to ensure the most efficient throughput of cases;

6.2.2 Complete the successful implementation of the digitalisation project by 2020;

6.2.3 Complete the recruitment, induction and training of new members and the judicial vice chair promptly enough to achieve the objective of reducing the backlog;

6.2.4 Make a sustained reduction in avoidable deferrals and adjournments;

6.2.5 Keep prisoners and victims updated on delays affecting them.

6.3 Work with partners to ensure that by the end of 2017 the majority of IPP prisoners have been safely released, or where risk is not judged to be manageable in the community, have clear plans in place that will enable them to progress

6.3.1 Develop a joint strategy with NOMS for IPP prisoners with visible senior leadership. Ensure that measures to give Parole Board members confidence about the effectiveness of preparations for release and management post release are evidence based, proportionate and necessary;

6.3.2 Examine the scope for the Board to have a 'problem-solving' role approach to progressing IPP prisoners – focusing on case progression and holding to account (whilst avoiding inappropriate involvement in sentence planning and maintaining independence);

6.3.3 Collaborate with inspectorates and academics to ensure the Parole Board has a deeper understanding of what may delay the progress of IPP prisoners and how that might be resolved;

6.3.4 Make proposals on any additional legislative measures that may be necessary to ensure the progression of IPP prisoners;

6.3.5 Reassure victims and the general public that those IPP prisoners that continue to present an unacceptable risk will remain in custody.

6.4 Ensure the Board's remit is focused on those cases where its expertise is of most value and does not detract from partners' rehabilitative responsibilities

6.4.1 Limit the Board's role in recall cases; and if appropriate reduce, the Board's role in determinate sentence prisoners with limited periods still left to serve;

6.4.2 Changing the Board's listing prioritisation framework to ensure that we are better able to focus on the cases that matter the most and provide better overall fairness to all prisoners;

6.4.3 Explore ways to safely increase the number of paper release decisions to reduce demand for oral hearings and ensure greater proportionality.

6.5 Ensuring that the Board's cultural and procedural approach to risk is consistent with the successful implementation of its other strategic objectives

6.5.1 Establish a senior strategic governance process for the parole system;

6.5.2 Establish a member led review of the Board's approach to risk;

6.5.3 Implement a programme for key stakeholders to observe parole hearings;

6.5.4 Review the Review Committee to ensure its approach supports a consistent approach to risk;

6.5.5 Agree a programme on-going research to constantly test and improve our approach to risk.

6.6 Ensuring that staff and members of the Board work in partnership to continuously improve our processes, whilst treating all with respect and humanity

6.6.1 Reduce procedural problems and encourage collegiate working by developing a flexible regional approach with regular regional fora for members as well as staff;

6.6.2 Maintain and strengthen arrangements for consulting and working with external stakeholders;

6.6.3 Agree and establish a programme of implementation events for members and staff to come together;

6.6.4 Improve the level of staff engagement to at least that of comparable organisations by strengthening staff recruitment, retention, development and consultation processes;

6.6.5 Continue to develop a culture of continuous improvement within the Board.

6.6.6 Striving to ensure that we treat the victims involved with the parole process with sensitivity and humanity.

7. MEASURES

- 7.1 The key measures we will need to monitor these aims and objectives are:
- 7.1.1 **Demand:** Number of referrals to the Board overall and by type;
 - 7.1.2 **Demand:** The number of IPP prisoners in the system overall and by time over tariff;
 - 7.1.3 **Resource:** The member and staff resource that can be applied to casework;
 - 7.1.4 **Progress:** The number of hearings held;
 - 7.1.5 **Progress:** The size of the backlog;
 - 7.1.6 **Obstacles:** The number of adjournments and deferrals;
 - 7.1.7 **Outcomes:** The outcome of decisions;
 - 7.1.8 **Outcomes:** The proportion of further offences.
- 7.2 There will be a range of other measures that need to be looked at different levels and with different frequencies. In addition, progress on key objectives will be monitored.

8. RISKS

- 8.1 The strategic risk register is under review by the Audit and Risk Committee but key strategic risks are likely to include:
- 8.1 **Budget:** Insufficient funds to deliver the strategy;
 - 8.2 **Political instability:** A change of political direction due to Ministerial appointments or new arrangements as part of the exit from Europe;
 - 8.3 **Serious further offences:** As the Parole Board processes more cases, even if the proportion of serious further offences following release is maintained at the current very low level, the number of such offences will increase;
 - 8.4 **Digitalisation:** We are unable to deliver the digitalisation project to the timescale and quality required;
 - 8.5 **Member recruitment:** We are unable to recruit the quality and quantity of members required and the impact of recruiting and inducting a large number of new members has a greater than anticipated impact on the Board's ability to progress cases;
 - 8.6 **Strategy:** We are unable to obtain sufficient support for the strategy from internal and external stakeholders.

9. IMPLEMENTATION

- 9.1 It is important we have buy-in to the strategy from those who will have to implement it – members, staff and external stakeholders – and we need to finalise it in a way which is consistent with the behaviours we are trying to inculcate.
- 9.2 This strategy was developed following extensive discussion with members, staff and stakeholders. Successful delivery of the plan is dependent on buy-in going forward and a commitment to flex the plan where needed as different challenges arise, whilst retaining the overarching ambition.
- 9.3 A separate delivery plan for tasks to achieve the objectives has been drafted to ensure that the plan can be embedded as business as usual.
- 9.4 We will develop a comprehensive, timely and well thought out communications plan, with targeted messages for the differing audiences.
- 9.5 We received strong feedback from staff that they wanted continuity from the 18-month plan. We have, therefore, reaffirmed that we will continue to apply the four-P focus as set out in the plan. These are:

<p>Our principles</p> <ul style="list-style-type: none"> • The Parole Board will remain independent of Government, working with others to deal with each parole case fairly, and with humanity, whilst ensuring the protection of the public. • We will build a culture in which we are honest and challenging of ourselves and others to provide best outcomes. 	<p>Our performance</p> <ul style="list-style-type: none"> • We will ensure the Board processes cases to a high quality, and as efficiently and effectively as possible. • We will look to constantly improve our performance, learn lessons and reduce our unit costs to ensure that our cases are dealt with in a timely fashion.
<p>Our processes</p> <ul style="list-style-type: none"> • We will work with our partners to continuously improve the parole system. • We will seek to maximise the use of our resources and those of others by making best use of the technology available (including video, telephony and digital). 	<p>Our people</p> <ul style="list-style-type: none"> • We want members and staff of the Parole Board, our people, to be proud to work for the Board. • We will build a new, stronger relationship between members and the secretariat. • We will raise the profile and reputation of the Board with key partners and stakeholders.

Nick Hardwick
29 September 2016

Martin Jones
29 September 2016