



Ministry
of Justice

Review of the law, policy and procedure relating to Parole Board decisions

April 2018

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Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

April 2018



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Contents

Foreword	3
1. Introduction	4
2. Background	5
3. Transparency of Parole Board decision making	6
4. Reconsideration of parole decisions	9
5. Victim involvement and engagement	10
Annex A – Findings from the Victims’ Commissioner’s Victim Engagement	14
Annex B – Findings from Information Gathering – Government and Other Stakeholders	19
Annex C – Findings from Information Gathering – Offenders	21

Review of the law, policy and procedure relating to Parole Board decisions

Foreword

Justice must not only be done; it must be seen to be done. Open justice is an important principle of our justice system. However, under the current law, the policies and procedures of the Parole Board mean decisions are taken behind closed doors and are shrouded in secrecy.

Confidence in the parole process and wider justice system depends on its ability to serve and protect the public. The decision of the Parole Board to direct the release of John Worboys has clearly shaken that confidence and shone a spotlight on the parole process itself.

Since assuming this role, I have said that we will make the Parole Board more transparent, that we will seek to introduce a mechanism to allow some release decisions to be reconsidered and that we will improve the way victims are engaged in the process. I have also announced a complete review of all 27 of the Parole Board Rules. I announced the detail of this Review on January 9 and today set out its conclusions and resulting action.

First, we will immediately increase the transparency of the parole process by amending Rule 25 to remove the blanket ban that prevents the Parole Board from disclosing information about its decision making. While this initial action is in line with the ruling of the judicial review on the Worboys case, we envision more transparency in the system in future.

Second, in reviewing the Parole Board procedures, we agreed there needs to be a way for release decisions about particularly sensitive cases to be reconsidered. Accordingly, we are today launching a consultation on a new system to allow Parole Board decisions to be challenged and looked at again. We envisage a judge-led reconsideration process which in some circumstances could be open to the public. This consultation will consider how the mechanism should operate and will be open until the end of July. Once that has completed I will set out my plans for bringing the new system into force.

Third, this Review involved understanding the victims' experience in the Parole Board process and how to improve it. We have listened to victims and are making a number of changes to the way information is communicated to them, making it easier for them to participate, and widening access to the Victim Contact Scheme.

I would like to thank all those who have been involved in undertaking this Review and for their efforts to ensure it has been swift, focussed and decisive. In particular, I would like to thank the Victims' Commissioner for her work in ensuring that the voice and views of victims have been fully considered and reflected.

The comprehensive review I have ordered into the whole Parole Board will bring more findings and reforms, as will our Victims Strategy later this year. This initial package of measures is a clear response to the immediate issues that arose from the Worboys' case, and the subsequent High Court judgment. It is an important first step in bringing greater openness, challenge and involvement of victims in the parole process and towards restoring the confidence of victims and the wider public in a justice system that serves and protects them.

Rt. Hon David Gauke MP
Secretary of State for Justice

1. Introduction

1. In January 2018, the Secretary of State for Justice announced a Review into the law, policy and procedure relating to Parole Board decisions (the Review). This Review considered the transparency of Parole Board decision making; whether there should be a mechanism to allow parole decisions to be reconsidered; and both victim involvement in and communications about the parole process.
2. The Review has looked at issues with the parole process as a whole, but it arose out of calls for greater transparency and significant concerns that were raised following the Parole Board's decision to direct the release of John Worboys. This was a serious and unusual case, but it shone a light on the way we communicate with victims and their involvement in the parole process, as well as the lack of transparency about Parole Board decisions. It also raised questions about whether there needs to be a new mechanism to enable such decisions to be looked at again.
3. Victims, and the public, must have confidence in the criminal justice system that is there to serve them. Parole Board decisions are inevitably difficult – but this makes it even more important that there is information available about how the process works and confidence that the system is fair and robust. We must make sure that we support victims as they continue to suffer from the impacts of the crimes committed against them and ensure that they receive timely and accurate information about what is happening in their case, delivered in a considerate way.
4. This Review sets out the action the Government will take in light of the immediate issues that became apparent as a result of the Worboys case. We are:
 - removing the blanket prohibition of the disclosure of information about Parole Board proceedings, with a presumption that victims receive summaries of the reasons for Parole Board decisions,
 - launching a consultation on the detail of a new reconsideration mechanism. It is our intention that this process will be judge-led, and could be open and transparent, with hearings open to the public and transparency about panel members who make reconsideration decisions, and
 - making immediate changes to how we communicate with victims, as well as looking at how more victims can be offered the Victim Contact Scheme (VCS).
5. To make sure that any changes can be implemented quickly for future cases, this Review had been a rapid and focused piece of work. The Review has been informed by the views of victims based on engagement led by the Victims' Commissioner, some interviews with offenders, as well as direct engagement with Parole Board staff and members, prison and probation professionals, and senior leaders. A summary of the findings from this engagement is annexed to this report.
6. The Secretary of State for Justice has also commissioned a comprehensive review of all the Rules governing the Parole Board to ensure that its procedures deliver justice.

2. Background

7. The Parole Board was set up in 1967 to advise the Home Secretary, who at that time was responsible for making decisions regarding the release of prisoners on licence and their recall to prison. Since then, the Parole Board has evolved, largely in response to case law, from an advisory body into one that is independent, possessing a quasi-judicial function.
8. The Parole Board for England and Wales is established under the Criminal Justice Act 2003. It is an Executive Non-Departmental Public Body (NDPB). Its role is to protect the public by carrying out risk assessments to decide whether prisoners can be safely released into the community. In doing so, it works with other parts of the criminal justice system, including Her Majesty's Prison and Probation Service (HMPPS).
9. The Parole Board fulfils three main functions:
 - a. It decides whether to release all indeterminate and some determinate sentence prisoners, approving licence conditions when it does so;
 - b. It reviews the circumstances in which all indeterminate and some determinate sentence prisoners have been recalled to prison for alleged or actual re-offending, or breach of licence during the probation supervision period, and decides whether to re-release these prisoners. This function often requires the Parole Board to make findings of fact about the circumstances of recall, and;
 - c. It makes recommendations to the Secretary of State for the transfer of indeterminate sentence prisoners from a closed (high or medium security) prison to an open (low security) prison.
10. The Parole Board cannot:
 - a. make assessments as to whether the original sentence handed down by the court was suitable and/or appropriate;
 - b. make an assessment as to release based on anything other than the risk of an offender.
11. These functions are based on assessments of a prisoner's level of risk to the public, undertaken through an inquisitorial approach.
12. Contact with victims regarding the parole process is undertaken through the Victim Contact Scheme (VCS) which is operated by the National Probation Service (NPS). The VCS is offered to victims of certain specified violent and sexual offences where the offender received a sentence of 12 months or more. Through the service, NPS Victim Liaison Officers (VLOs) provide eligible victims with information about the key stages of the offender's sentence, including the parole process.

3. Transparency of Parole Board decision making

13. The current Parole Board Rules, which govern how the Parole Board operates, provide a blanket prohibition on the release of information about parole proceedings and the names of persons involved in the proceedings.¹
14. In practice, these provisions mean that the Parole Board is prohibited from publicly disclosing any information about the decisions that they make and the reasons for those decisions. Parole Board decisions are routinely disclosed to the victims of the offender whose release is being considered by the Parole Board if they have signed up to the Victim Contact Scheme (VCS), as well as any licence conditions that relate specifically to the victim. But, neither the reasons for the decision, nor the full set of licence conditions which the Parole Board deem it necessary to manage the offender following their release, are disclosed to victims.
15. This presumption of non-disclosure stems, in part, from the historical basis for the Board as an advisory body to Ministers – its recommendations would not be made public, and this presumption of non-disclosure was carried through its transition to an independent and quasi-judicial body. However, there is a clear case for introducing more transparency to the process and a convincing argument that the current prohibition on the release of any information goes too far. Furthermore, in order to increase public confidence in the work of the Parole Board, it is important that there is also a general understanding of what the Parole Board does and how it makes its decisions to provide a degree of context.
16. The High Court, in response to the case brought by two of the victims of John Worboys and others, also took this position. They found that the current blanket ban on disclosure of information relating to decisions of the Parole Board is unlawful, in contravention of the principles of open justice and stated that *“There is no objective necessity for a rule which stifles the provision of all information relating to the proceedings of the Parole Board.”*
17. The Review therefore specifically considered:
 - the information available about the system itself in terms of how the parole process works; and
 - the transparency of Parole Board decision making with regard to both the decisions of the Parole Board and the reasons for those decisions.

Information available about the parole system

18. A key part of improving public confidence in the system is making sure that the public understand the role of the Parole Board, what it does and how it does it. In light of the move to greater transparency around Parole Board decisions, it is vital that there is clear, accessible and relevant information available to the public to enable its decisions to be understood in the context of the purpose and process of parole.

¹ Parole Board Rules 2016, Rule 25 - <http://www.legislation.gov.uk/uksi/2016/1041/article/25/made>

19. There is information available about the Parole Board, including its role in the criminal justice system and how it makes its decisions, on GOV.UK, but it was clear from our engagement with victims that they struggled to find or digest it and that this could be improved.
20. As a result, we will work with the Parole Board to develop and enhance the existing content and structure of information about the Parole Board and its processes on GOV.UK.
21. For particular groups there may also be a need to provide more detailed and targeted information. Therefore, for certain groups such as media outlets and VLOs, the Parole Board will develop targeted programmes of educational outreach.

Transparency of parole decisions

22. From the outset of this Review, the Secretary of State for Justice was always clear that a high threshold would need to be met to maintain an absolute ban on the provision of information about parole proceedings.
23. Throughout our Review engagement it was also clear that there was a broad consensus that increasing transparency would be a positive step (while recognising the associated risks) and it is a position that the Parole Board itself has advocated. However, concerns were raised about finding the right balance between transparency and the privacy of the offender, victim and practitioners.
24. The Review has concluded that in light of the principle of open justice, the general need for transparency within the criminal justice system and the examples of transparency in other jurisdictions, it is right that more information on parole proceedings is made available.
25. It is, however, also important that we balance transparency with the need to protect privacy so that offenders and witnesses who appear before the Parole Board feel able to be candid in hearings in order to properly inform the Parole Board's process of risk assessment. Without this candour the assessments of the Board might not be as rigorous. It is also important that private information about victims is not released publicly. Similarly, concerns have been raised about releasing the names of panel members on individual cases without sufficient protection for their safety and tenure. We will consider this aspect as part of the comprehensive review of the Parole Board Rules.
26. This Review has concluded that the standard approach should be to provide more transparency by amending the current Rule 25 to provide that:
 - a. a summary of the reasons for Parole Board decisions that relate to the release or non-release of an offender must be disclosed to victims engaged with the VCS (and who want contact), unless there are exceptional circumstances or the victims do not wish to receive that information; and
 - b. a summary of the reasons for Parole Board decisions that relate to the release or non-release of an offender must be created and disclosed to other parties, who request it, if the Parole Board Chair considers that disclosure is justified in the principle of open justice.

Review of the law, policy and procedure relating to Parole Board decisions

27. This is the first step we are taking towards increasing transparency and to comply with the court judgment. But this is only the first step and consideration of further steps to increase transparency will be part of longer-term work on the Parole Board Rules.
28. The Parole Board will be responsible for providing reasons about its decisions and, as an independent, quasi-judicial body, it is important that it is free to determine the best way to go about this. We have been working closely with the Parole Board throughout the Review and will be supporting them to implement this change as is appropriate.

4. Reconsideration of parole decisions

29. Normally, once the Parole Board reach a decision, that decision is final and it cannot be reopened by the Board itself. Consequently, the main way in which a Parole Board decision can be reconsidered is through judicial review.
30. Caselaw provides that in certain very limited circumstances, such as where the Parole Board considered information about the wrong offender or there has been a fundamental change to the plans for an offender's release, the Parole Board can reconsider a case. This mechanism was not available in the Worboys case, as it does not allow for re-referral on general points of law.²
31. We have concluded that in certain circumstances, Parole Board decisions should be allowed to be reconsidered. This would mean people could raise concerns about a decision without having to take the potentially onerous step of launching a judicial review. It would also allow the Parole Board to take account of erroneous decisions and re-panel a case if it is deemed necessary. The need for a reconsideration mechanism prior to judicial review was advocated by many of those with whom we engaged.
32. After careful consideration, the Review has concluded that such a mechanism should be part of the current structures, and therefore part of the Parole Board, but properly protected and distinct. This will allow changes to be made quickly and bring about meaningful change. An external review mechanism would require primary legislation and we believe that, working with the Parole Board, we can deliver an effective mechanism within the current structures by making changes to the Parole Board Rules.
33. We also envisage that the new mechanism would be judge-led, with hearings that could be, in some circumstances, open to the public (where an oral hearing is held) and information made public about the panel members who make those decisions.
34. Given the technical nature of such a mechanism, its impact on the wider system and high levels of public interest, we are consulting on the detail of the proposed mechanism to inform its development. The full consultation is available at: <https://consult.justice.gov.uk/digital-communications/reconsideration-of-parole-board-decisions>

² The grounds for re-referral were established in case law through the Robinson case.

5. Victim involvement and engagement

35. The parole process, and particularly the release of an offender, can be very distressing for victims. Many victims told us they were dissatisfied with their experience of the process and that they were unclear about where to go for information.
36. To address these concerns, we will provide better information about victims' rights, we will improve the quality of communication with victims and we will make the service on offer to victims more responsive to their needs.
37. As part of this Review, we considered:
 - a. eligibility for the Victim Contact Scheme (VCS) and whether it ought to be offered to a broader range of victims than at present;
 - b. the scope for enhancing victim entitlements; and
 - c. how best to provide victims with clear information about the VCS and provide victims with more say about the service they would like to receive through it.

The Victim Contact Scheme

38. The Domestic Violence, Crime and Victims Act 2004 creates certain entitlements for victims of sexual or violent offences for which the offender was given a sentence of 12 months or more. Such victims are entitled to receive information about key stages of the offender's sentence; they are entitled to make representations about the offender's licence conditions in the event of release and they are entitled to be informed of any victim-related licence conditions imposed by the Parole Board. They are also entitled, by virtue of the Victims' Code, to submit a Victim Personal Statement (VPS) to the Parole Board in respect of an offender whose release is being considered. The VPS gives victims the opportunity to explain in their own words the effect the crime has had on them.
39. NPS delivers these entitlements through the VCS, made up of regional teams of Victim Liaison Officers (VLOs) who are responsible for managing contact with victims. Victims who meet the statutory criteria are currently offered the VCS shortly after sentence has been passed.
40. Beyond its statutory duties, NPS has the option of offering the VCS to other categories of victim on a discretionary basis. The circumstances in which it might be appropriate to do this are set out in guidance, which currently states that discretionary contact should be offered only exceptionally. Each case must be considered on its merits to ensure that any contact is reasonable and proportionate.
41. The Victims' Commissioner has said that the current guidance is too restrictive – and we agree that there is a compelling case for taking a more flexible approach, allowing VLOs to offer the VCS to a broader range of victims where appropriate.
42. We will therefore revise the guidance to make clear that the VCS should be offered to a broader range of victims. The revised document will set out clearly defined categories of victim that should be routinely offered the VCS, including victims of certain offences that are not currently specified in statute (such as road traffic offences resulting in serious injury) and victims in cases where a serious charge has been ordered to lie on file.

43. The new guidance will also give VLOs more flexibility to offer information to other categories of victim with regard to the profile of the case, the impact on the individual and the views of the police and the Crown Prosecution Service. Victims included in the VCS on a discretionary basis will receive information about key stages of the offender's sentence; in certain circumstances they will have the option of making representations about licence conditions, and in exceptional circumstances they may also be able to make a VPS.
44. We will make the new guidance more user-friendly (and clearer for victims and VLOs) by setting out the process by which these decisions will be made and providing examples of circumstances likely to qualify as exceptional. We are working through the detail with criminal justice agencies and hope to share a draft with the Commissioner shortly.

Victim entitlements

45. The Commissioner has said that we need to do more to ensure that victims are given reasons if the Parole Board amends or rejects any licence conditions they have requested. Practice is inconsistent at present – the level of detail provided by Parole Board panels varies, and detail can be lost as information passes through the system. We agree that if a victim's request for a specific condition is not adopted, the reasons for this should be set out as clearly and comprehensively as possible. This is important if we are to give victims a real sense that they are being listened to. We have therefore asked the Parole Board to look at how best to ensure that panels consistently provide clear explanations, and we in turn will improve the process for sharing this information with victims through the VCS.
46. It is clear that there is a range of expectations among victims about the VPS and its purpose in the parole process. Many of the victims who responded to the Commissioner's questionnaire did not feel that their VPSs were taken into account.³ Victims can find the experience of preparing a VPS distressing and can be left feeling frustrated and disillusioned with the process.
47. The VPS gives victims the opportunity to explain in their own words the effect the offence has had on them and their families. However, we believe there is a case for revisiting the role of the VPS and for making sure that all are clear about its purpose.
48. Victims suggested other ways in which the VPS might be improved, including a change to the rules requiring disclosure of the VPS to the offender on the basis that such disclosure can discourage victims from submitting a VPS.
49. We want to explore these issues in more detail. Changes could require amendment of the Victims' Code, and would need to take account of the role of the VPS in other parts of the criminal justice process. We will therefore examine these questions about the VPS as part of our wider work on a Victims Strategy, which the Ministry of Justice intends to publish in the summer.
50. We also want to make it easier for victims to present their VPSs at oral hearings. We note the call from the Commissioner for victims to be given a "menu of options" for presenting a VPS and are determined to make sure that more victims are given the option of delivering their VPS without having to attend the prison. We will undertake a project with the Parole

³ Around half of the 53 victims who responded to the Commissioner's survey question on this issue.

Board to review video link facilities with the aim of giving more victims the option of delivering their VPS remotely.

Improving the service offer for victims

51. We will make a series of immediate improvements to the VCS drawing on the views of victims gathered by the Commissioner, the investigation by HM Inspectorate of Probation into the policy and process followed by the VCS in the Worboys case, and information we gathered from practitioners in the system.
52. As the Commissioner noted, the role of the VLO is central to successful delivery of the VCS. We want to focus on making sure VLOs are equipped with the skills, information and systems they need to do their jobs properly.
53. We are developing a fresh programme of training for VLOs which will include a specific component on understanding the victim experience, to be delivered by a victim support organisation. This training will be reinforced by improved guidance and rigorous quality assurance processes. We aim to collect victim feedback on the service throughout the process with a view to using this information to drive improvements in performance.
54. VLOs have themselves pointed out that other agencies, and victims, can be confused about the role of the VLO, which potentially impacts on the number of victims referred onto the VCS. We will therefore work with the police and the Crown Prosecution Service, particularly Witness Care Units, to ensure their staff are clear about the scheme, understand the process for referring victims onto it, and are able to identify suitable candidates for discretionary contact.
55. There are various issues relating to victims' interaction with the VCS that we want to address. Victims can find it difficult to make informed decisions about whether to participate in the VCS, partly because there is not enough readily-accessible information about the scheme, but also because the process requires the victim to engage actively from the outset and at a time when they may still be distressed. It is unsurprising that some fall through the net.
56. Victims have said they need to get information via the VCS in good time, so that they have sufficient time to prepare a VPS for example. We are taking forward work to ensure that victims get information and notice of the parole hearing in good time by improving the transfer of information between offender managers and VLOs.
57. We will also improve practical operation of the VCS by:
 - a. improving online content about the VCS and its benefits so that victims can easily find clear information about the scheme and how to join it;
 - b. streamlining processes, particularly at the point of referral. We are exploring the scope for an opt-out process and will at the very least make the opt-in process more straightforward;
 - c. making sure that victims in the process receive clear information at the outset and that this is communicated sensitively. We have improved the initial-contact templates and are requiring VLOs to take a more proactive approach to contacting victims, following up their letters with a telephone call and a face-to-face meeting as appropriate;

- d. making sure that victims on the scheme are contacted in an appropriate and timely way and by means they find most convenient. We will ask victims to state their preferred method of communication, encouraging them to provide a variety of contact details (such as email address and mobile number), so as to reduce the risk of losing contact because the victim has changed address;
 - e. upgrading the case-management system used by VLOs, adding new features to make it easier to track correspondence with victims and exploring ways of alerting victims to the fact that correspondence has been sent, such as by notifying them by text that an email or letter is on its way;
 - f. examining whether we can link the case-management system to other information systems within NPS, so that VLOs might receive automatic updates about the offender, and
 - g. making it easier for victims to opt in at later stages of the offender's sentence, recognising that many victims will not know how much information they want to receive in future at the point of sentence.
58. We believe these changes will combine to improve the quality of data held and provide more sophisticated systems for communicating with victims, with the overall effect of increasing victim engagement with the VCS.
59. Finally, the Commissioner makes a more fundamental point about the purpose of the VCS, pointing out that it should do more to cater for the broader support needs of victims. We want to make sure the VCS supports victims in recovering from the effects of crime but we do not think it sensible to expect VLOs to deliver this support (which might include therapeutic counselling, for example) directly, not least because it would require a very different skill set. We aim instead to ensure that VLOs are trained to consider the perspective of victims, and their needs, and to signpost them to appropriate services. We will consider how best to give effect to this through our work on the Victims Strategy.
60. We will need to improve join-up between agencies and support services if this integrated approach is to work seamlessly. With this in mind, the Commissioner has recommended piloting the co-location of VLOs and support services. We think this a good idea. We are aware of several initiatives around the country that are already trialling this approach and plan to collaborate with some of them to explore the benefits of the model.

Annex A – Findings from the Victims’ Commissioner’s Victim Engagement

The approach

To inform the Review of the law, policy and procedure relating to Parole Board decisions, the Victims’ Commissioner conducted an online survey and in-depth interviews asking victims of sexual and violent crime in England and Wales about their experiences of the Victim Contact Scheme (VCS) and parole processes.

The survey was open from 14 February until 14 March, and received 321 responses. The majority of respondents were female, from a white ethnic background and aged 35 to 64 years old. Not all respondents answered all questions.

The Office of the Victims’ Commissioner conducted 29 in-depth semi-structured interviews with victims of violent and/or sexual offences. The interviews lasted for approximately one hour and were conducted by telephone or face-to-face. These interviews explored in more depth the experiences of victims on the VCS and through the parole process.

The findings presented below are the views of victims who chose to take part in this engagement, and may not be representative of, or generalisable to all victims.

1. Victim Involvement and Engagement

Respondents in the survey were asked a series of questions (both closed and open) around their involvement in the VCS, including their experience of making a Victim Personal Statement (VPS) and representations on licence conditions to the Parole Board. These questions were explored further in the in-depth interviews.

Victim Contact Scheme

Survey Findings

- **Quality of information received and requested:** around half of 91 respondents agreed/strongly agreed that they received timely information, and that this was easy to understand, whereas around a quarter of 91 respondents disagreed/strongly disagreed. Just over half of 91 victims agreed/strongly agreed that they were given sufficient time to make decisions, whereas a quarter disagreed/strongly disagreed.
- **Satisfaction with VCS and information received:** around half of 91 respondents were satisfied/very satisfied with the VCS and the information that they had received, and around a quarter were dissatisfied/very dissatisfied.

Open response questions (54 respondents)

- **Information about the offender:** respondents wanted more information about the offender’s current situation. This ranged from wanting to know the offender’s prison and any changes in circumstances, progress made by the offender and whether they had shown any signs of remorse.
- **Timely contact from the VCS:** respondents reported wanting quicker response rates from the National Probation Service (NPS) as well as more time to consider and prepare for key stages of the process.

Interview Findings

- **Awareness of VCS and VLOs:** many victims interviewed had not heard of the VCS, did not understand it as a broader scheme and did not understand the role of VLOs. There was confusion about the roles of Victim Liaison Officers (VLOs), Family Liaison Officers and victim support services, including what information VLOs have access to and what they can share with victims.
- **VLO engagement with victims:** victims interviewed had mixed experiences in engaging with their VLO; some reported a very good working relationship, describing their VLOs as helpful and supportive. Others reported a poor relationship, describing situations which demonstrated a lack of empathy and compassion on the part of the VLO.
- **VLO contact method:** there was general preference for face-to-face contact, with most victims interviewed indicating that they had met their VLOs. Some victims interviewed appreciated the VLOs consideration in booking appropriate contact; others experienced poor levels and methods of contact and had to chase up their VLO to gain the information they required. Some victims interviewed said that it helped to have information followed-up in writing as it can be hard to take in everything at the time the information is given.
- **Information victims want from VCS:** most victims interviewed joined the VCS to gain information about the process offenders go through before release. Most victims interviewed wanted more information about offenders including: rehabilitative progress, courses taken, behaviour in prison, signs of remorse, changes in circumstances (including moves to open prison) and reasons for parole decisions. Many victims interviewed expressed feeling tied to the offender for life and because of this, they felt that information about where the offender is and what they are doing would give them some peace of mind.
- **Information received:** some victims interviewed reported not being told about certain key stages in the offender's sentence such as: the offender moving prison or being moved to open conditions, where an offender was due to have day release, when the offender had a paper hearing, or when the offender was given parole. Many victims interviewed did not understand the length of sentence given compared with the sentence served, tariffs and associated processes.
- **Meeting victims' expectations:** some victims interviewed felt that their expectations had been met, while others said that they had not. Most victims interviewed felt that there is a lack of parity of justice with offenders having more rights than victims. Some victims interviewed felt let down by the criminal justice system and that problems with the VCS and parole processes are part of this wider problem.

Victim Personal Statements

Survey findings

- **Making a VPS for the Parole Board:** just over half of 87 respondents made a VPS for the parole process. Around half of 60 respondents agreed that the VPS allowed them to express the impact of the crime effectively. Around half of 53 respondents felt that the VPS was taken into account in the process, while the remaining half felt that the VPS was not taken into account. Some respondents wanted more easily understandable information about the VPS.

Open response questions (40 respondents)

- **Disclosure of VPS to offenders:** some respondents were unhappy or uncomfortable that their VPS had been shared with the offender. Some stated that it contained personal information that they would not want the offender to see.
- **Improvements to the VPS:** some respondents wanted more information about the VPS, such as how to set out the statement, how it is used and who to go to for further information. Some respondents wanted greater freedom to be able to describe the impacts of the crime on themselves and on their families. Others wanted statements to be read out personally and the opportunity for more discussion with the Parole Board about the content of their VPS.

Interview findings

- **Support and guidance about VPS:** many victims interviewed reported receiving no help in drafting their VPS, but some were given feedback by the VLO once it was written. There was a sense that they found it difficult and emotionally laden to write their VPS, but that it is important to express their views as it was their only opportunity to input into the parole process. Many victims interviewed said that they would like confirmation that the Parole Board had received their VPS.
- **Role of the VPS:** there were mixed responses from victims interviewed about whether they thought that their VPS was taken into account. Most felt that the VPS was heard but that it did not affect the parole outcome. Victims interviewed expressed an inconsistent expectation about the purpose of the VPS and its role in the parole hearing.

Licence Conditions

Survey Findings

- **Representations on licence conditions:** over half of 86 respondents made a request for certain licence conditions. Just under a fifth of 86 respondents were not given an opportunity to do so. Just under half of 70 respondents received an explanation of the final conditions agreed, while a third did not.

Interview Findings

- **Victim expectations:** there was an inconsistency regarding what victims interviewed knew and expected about licence conditions. Some wanted to know all licence conditions. Some were not informed of the licence conditions, and some reported having to chase their VLO for this information. Many expressed concern that small exclusion zones would reveal where they and their family lived to the offender. This put some off requesting exclusion zones and some were advised not to request them by VLOs.
- **Adherence to licence conditions:** victims interviewed reported inconsistency in the size of accepted exclusion zones. Many were concerned about how exclusion zones were adhered to, and enforced.

2. Transparency of Parole Board Decision Making

Respondents were asked a series of questions (both closed and open) about how transparent the current Parole Board decision-making processes are, and for their views on how the parole process could be more open and transparent. These questions were explored further in the in-depth interviews.

Survey findings

- **Parole Board decision:** around three-quarters of 321 respondents thought that any victim of the offender should know the outcome of a parole decision. Just under half of 321 respondents felt that victims on the VCS should know the outcome, while just over a third felt thought the public should know.
- **Reasons for a Parole Board decision:** around three-quarters of 321 respondents felt that any victim of the offender should know the reasons for a parole decision. Just under half of 321 respondents felt that the victims on the VCS should know the outcome, while just over a third felt the offender and their legal representative and the public should be allowed to know the reasons for a decision.

Open response questions (62 responses)

- **Victim role in process:** some respondents wanted more information, timelier communication and to have more contact throughout the process. Victims also reported wanting more input into the process. Some respondents reported feeling secondary to the offender in the parole process.

Interview findings

- **Attending oral hearings:** there was a sense that it was hard to mentally prepare for being in the prison environment and seeing the offender face-to-face, which could be a stressful experience. Despite the emotional trauma of attending oral hearings, many victims interviewed valued the opportunity to attend as it was their only opportunity to have an input into the process for themselves or their loved one. Some victims interviewed would have liked to attend the whole oral hearing rather than leaving after their VPS has been read, and would welcome the opportunity to ask the Parole Board questions.
- **Parole Board decision:** All victims interviewed stated that they and their families should be told the parole decision, with most stating that other victims of the offender should also be told of the decision.
- **Rationale for Parole Board decision:** Many victims interviewed wanted to know in general how parole decisions are arrived at. There were mixed views about whether the public should know the reasons behind parole decisions. Some victims interviewed had concerns around privacy especially for those who want to remain anonymous.
- **Parole Board panel membership:** most victims interviewed wanted to know who Parole Board members are, with some mentioning that they would like to know the Parole Board members' expertise which qualifies them to make a decision on the offender's release.

3. Reconsideration of Parole Decisions

Respondents were asked a series of questions about their understanding of the current re-referral mechanisms for Parole Board decisions and whether there should be another way for Parole Board decisions to be looked at again. These questions were explored further in the in-depth interviews.

Survey findings

- **Reconsideration of Parole Board decisions:** around half of 287 respondents agreed that there should be other ways of looking again at parole decisions in all circumstances. Around a quarter of 287 respondents felt that there should be another way of looking at decisions in some limited circumstances.

Interview findings

- **New mechanism:** some victims interviewed felt that there should be a mechanism to challenge parole decisions, particularly as a matter of parity if offenders are entitled to challenge decisions.

Annex B – Findings from Information Gathering – Government and Other Stakeholders

Our approach

To inform the Review of the Law, Policy and Procedure relating to Parole Board decisions, we spoke to a number of Government and other stakeholders who shared their perspective on the current Parole Board decision-making process and how they thought the process could change.

Through a series of focus groups and interviews, we engaged with 72 participants, including senior officials and operational staff at the Parole Board, Her Majesty's Prison and Probation Service (HMPPS) and the National Probation Service (NPS). We also engaged with the Association of Prison Lawyers.

The findings presented below are the views of Government and other stakeholders engaged with during the Review, and may not be representative of all practitioners or other parties (including victims and offenders).

1. Victims Involvement and Engagement

Participants were asked for their views on how well the current parole process involves victims, and how the process can be improved to ensure victims are involved and communicated with more effectively.

- **System complexity:** many practitioners noted that the parole process is complex, and that there is a lack of accessible information for victims from both the Parole Board and the VCS.
- **Information sharing:** many practitioners (at senior and junior levels) felt that information does not flow well between key agencies, with multiple hand-off points, which can lead to delays and practical issues when a victim gives a Victim Personal Statement (VPS) or makes licence condition representations.
- **Role of the Victim Liaison Officer (VLO):** some front-line practitioners commented on the lack of understanding of the VLO role among other key practitioners. Others highlighted that VLOs have a high caseload to manage, and that most contact is now done by telephone due to time, monetary and travel constraints.
- **Victim participation:** there was a consensus that the Parole Board makes a decision on risk, but questions arose on how the victim and their representations fit into this assessment. There was a view that it is not always clear to victims and to stakeholders the purpose of the VPS. A common view relayed by practitioners was that victims can have a lack of understanding about their role in the process, and that their expectations may not be effectively managed.
- **Attending Parole Hearings:** there was recognition that giving a VPS in person at a prison can be a difficult experience, where the environment is not always set up to facilitate victims' needs. Several logistical issues were also identified, such as long travel times, or hearings being deferred at short notice.
- **Parole Board decision:** many practitioners felt that there is a need to share more information regarding the Parole Board decision with victims, with a common proposal to

share a high-level summary of the decision, which would include the rationale of the decision.

2. Transparency of Parole Board decision making

Participants were asked how transparent the current Parole Board decision-making process is for victims and for the public, and for their views on how the parole process could be more open and transparent for victims and the public.

- **System transparency:** there was a majority response that Parole Board processes are not transparent, regardless of whether you were a victim, offender or a member of the public.
- **Public facing information:** there was a sense that there is a lack of accessible public-facing information on the Parole Board and its processes, and that the information currently available is not user-friendly. There was agreement that limited information about the Parole Board decision-making process currently makes it into the public domain. In general, there was support for providing more information about the Parole Board and its processes to the public or just victims.
- **Closed Hearings:** on the issue of closed hearings, there was some agreement that the Parole Board should not immediately move to open hearings.
- **Parole Board decision:** there was a sense that victims are given little information about the rationale for the decision. There was some support for the Parole Board to publish high-level summaries of its decisions that could be made available to the public and victims. However, this was coupled with a general desire to protect the personal information of those who engage in the Parole Board process and not impede on offender rehabilitation activities.

3. Reconsideration of Parole Board decisions

Participants were asked about their understanding of the current re-referral mechanism for Parole Board decisions and whether there should be another way for Parole Board decisions to be looked at again.

- **Existing mechanisms:** there was general view amongst participants that there are limited mechanisms to allow a Parole Board decision to be reconsidered at present. Some practitioners outside of the Parole Board were not aware of any existing mechanisms to challenge decisions. In general, there was a lack of clarity and understanding on who could access these mechanisms and what stage in the process they could be utilised.
- **Re-referral (as established *Robinson case law*):** there was a view that the current re-referral mechanism is limited and unsatisfactory.
- **Judicial review:** some participants stated that this was a costly and time-consuming mechanism that was unsuitable for both victims and offenders.
- **Proposals:** there was broad agreement that a reconsideration mechanism would be beneficial with a variety of views on the type of reconsideration mechanism that could be introduced. There were mixed views on who should be able to initiate any reconsideration mechanism, with some suggesting that only those directly involved in the process, or the victims should apply, and some expressing concerns about the media being able to initiate a reconsideration. There was a general view that any reconsideration mechanism should have clearly defined grounds for when a decision could be reconsidered.

Annex C – Findings from Information Gathering – Offenders

Our approach

To inform the Review of the Law, Policy and Procedure relating to Parole Board decisions, we conducted interviews with 8 offenders who had recently been through the Parole Board process with a mix of outcomes, allowing them to share their perspective on the current Parole Board decision-making process and how they thought the process could change.

The findings presented below are the views of the offenders engaged with during the Review, and may not be representative of all offenders or other parties (including victims and Government stakeholders).

1. Victims Involvement and Engagement

Participants were asked for their views on the way that victims are currently involved in the parole process, and how they thought this process could change.

- **Victim participation:** most offenders felt that it was good for the victim or their representative to attend the parole hearing and to give a Victim Personal Statement (VPS). Reasons for attendance were to give the offender a chance to show remorse and development, and because the victim should be entitled to it.
- **Victim representations:** most offenders felt that victims should have a say in the parole process, including on licence conditions.
- **Parole Board decision:** most offenders said that victims should be given information on the parole process and decision as victims have a right to know this information. Further comments were that victims should be provided with this information to give reassurance that the offender would not reoffend, and so that they know that risk has been reduced. Several offenders felt that victims should be informed about what they had been doing in prison e.g. the courses they had completed.

2. Transparency of Parole Board decision making

Participants were asked how transparent the current Parole Board decision-making process is for victims and for the public, and for their views on how the parole process could be more open and transparent for victims and the public.

- **System transparency:** there were mixed responses from offenders as to whether the public should know information about Parole Board decisions. Most offenders felt that the public should not know information on specific offenders if they are not at direct risk from that individual.
- **Public facing information:** some offenders stated that the public should know why an offender gets parole, attached conditions of their release and the offender's development in custody.
- **Risks of increased transparency:** several risks of public disclosure were mentioned including a risk to an offender's personal safety if their location was released and possible negative effects on their rehabilitation outcomes (including employment) after making progress in custody.

3. Reconsideration of Parole Board decisions

Participants were asked for views on whether there should be another way for Parole Board decisions to be looked at again.

- **Existing mechanism:** there was some awareness of the existing mechanisms to challenge a Parole Board decision through a court process.
- **Proposals:** there were mixed views on who should be able to challenge a parole decision, and who should lead this challenge, with some offenders stating that anyone should be able to challenge a parole decision including all parties involved in the parole process. Some offenders highlighted the need for anyone challenging a decision to have sufficient information to do so.

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