

Restorative justice facilitators

Information about the Parole Board process

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The Parole Board and its responsibilities

The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community. It was established in 1968 under the Criminal Justice Act 1967 and became an independent executive non-departmental public body on 1 July 1996 under the Criminal Justice and Public Order Act 1994.

The Parole Board deals with different types of cases, which include:

- All life¹ sentence prisoners when they have served the minimum time they must spend in prison, as set by the sentencing Judge.
- All prisoners serving a sentence of imprisonment for public protection (IPP²) when they have served the minimum time they must spend in prison, as set by the sentencing Judge.
- All extended determinate sentence prisoners and some categories of other determinate sentence prisoners when they have served the minimum time they must spend in prison, as set by the sentencing Judge.
- All life or IPP sentence prisoners following a recall to prison.
- Some determinate sentence prisoners following a recall to prison.

There are some cases referred to the Parole Board where release is not being considered:

- Where a prisoner has been moved from an open prison back into a closed one due to a new development or change in circumstances. The Secretary of State for Justice will often refer these cases to the Parole Board for advice on whether the prisoner should stay in the closed prison.
- Where a prisoner has been released into the community by the Parole Board and the Probation Service submit a request to change a licence condition.

It should be noted that the eligibility of a prisoner to be considered by the Parole Board is determined by complex legislation – many prisoners get released without involvement of the Parole Board, some automatically at the half way point of their sentence, others under Executive powers by the Secretary of State for Justice.

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 Parole Board is required to determine only one thing, namely whether it is “satisfied that it is no longer necessary for the protection of the public that the prisoner should remain detained”.

When making decisions Parole Board members will have public safety as the primary concern. Where a prisoner is released, it will be with licence conditions which will apply until the end of the sentence, or in life sentence prisoners, for the rest of their life.

More information on the role and function of the Parole Board can be found on the following web pages:

www.gov.uk/government/organisations/parole-board/about

www.gov.uk/guidance/our-work

1 Life sentence prisoners can ONLY be released by the Parole Board

2 IPP sentence was abolished in 2012

Facilitating the restorative justice process

When you are facilitating a restorative justice case, you will need to understand what the prisoner's sentence is, how much of the sentence they have served and how the rest of the sentence will be carried out. It is important to understand whether the prisoner is eligible for parole, and if so, when that will take place. The Offender Manager or the Victim Liaison Officer (both within the National Probation Service) should be able to provide this information.

Parole process overview

A prisoner must have his or her continued detention reviewed periodically. It is the Secretary of State for Justice (SSJ) who determines the timing of parole reviews, which must comply with relevant legislation, for example, the European Convention on Human Rights (ECHR).

The prisoner will be informed that the review has begun and will be encouraged to appoint a legal representative to assist them with their review. Parole reviews can take anything from four to six months or longer to conclude and the timeframe will depend on the type and complexity of the case.

Prisoners recalled to prison follow a much shorter timeframe and the point at which these reviews take place will depend on the type of sentence and complexity of the case. Some determinate sentence prisoners will be re-released by the Secretary of State for Justice within 28 days of their recall, but others, and ALL life or IPP sentence prisoners must be reviewed by the Parole Board.

Her Majesty's Prison and Probation Service (HMPPS) will provide a dossier of information about the prisoner for the Parole Board, which includes: reports written by the prison and probation staff, details of previous sentencing and remarks made by the judge when the prisoner was sentenced. The content of dossiers will vary depending on the type of case.

The Parole Board will then carry out a thorough assessment of the risk the prisoner would potentially pose to the public if they were released from prison or transferred to open conditions (where applicable).

More information on how decisions are made can be found on the following web page:

www.gov.uk/guidance/how-we-make-our-decisions

The involvement of the victim and Victim Liaison Officer

In order to contribute or receive information about parole reviews a victim must be signed up to the Victim Contact Scheme (VCS) provided by the National Probation Service (NPS) within HMPPS. Only certain victims are eligible for the service but if they meet the criteria and they opt in, they will be appointed a Victim Liaison Officer (VLO).

VLOs will support a victim by explaining the parole process, provide guidance on writing a victim personal statement (VPS) and liaise with other professionals in the process on behalf of the victim. They will also inform the victim of the decision made by the Parole Board.

The VPS is a summary of the impact the crime had on the victim at the time and the impact it continues to have to this day. A victim can also express the impact on them and their family if the prisoner was to be released. If they have engaged in restorative justice, they can make reference to this in their VPS.

A VPS will be part of the information that is presented to the Parole Board and the victim has the choice to apply to attend the oral hearing in person, if there is to be one, and to read their VPS to the Parole Board panel. A victim does not stay for the whole parole hearing and is not a party to the proceedings.

Some cases are not heard at oral hearing and many are concluded on the papers where a VPS has been read and considered by the panel.

Victims can ask for specific licence conditions to be set if the prisoner is released. An example of a condition is including an exclusion zone of where the victim lives, and/or non-contact requirements. Licence conditions must be considered as necessary and proportionate.

Victims can also ask for a summary of the decision, which will be provided to them via their VLO.

More information on the Parole Board's commitment to victims of crime can be found on the following web pages:

www.gov.uk/guidance/the-parole-boards-commitment-to-victims-of-crime

The involvement of a Secretary of State representative

There is an organisational commitment from Her Majesty's Prison and Probation Service to ensure that a Secretary of State Victim Support Representative is present whenever a victim wishes to attend a parole oral hearing at a prison to read out their statement.

The Secretary of State Victim Support Representative will work with the VLO to prepare and support the victim in the lead up to the oral hearing, and then make sure that all the necessary arrangements on the day are put in place. They will support the victim throughout the proceedings.

More information on the role of the Secretary of State can be found on the following web page:

www.gov.uk/government/publications/use-of-secretary-of-state-representatives-in-parole-proceedings

Restorative justice and Parole

The Parole Board members will be interested in knowing whether the prisoner has engaged in restorative justice, but this may not have any impact on their consideration of the risk a prisoner may pose.

However, the Parole Board may wish to learn more about the process and could ask for further information, in order to consider its relevance, if any, to the assessment of risk. This may include asking for a summary of what was involved, possibly a copy of the outcome agreement, or on rare occasions to take oral evidence from someone who contributed to the process.

The focus will be on the impact that engaging in the restorative justice process has had on the prisoner and how it may have influenced or changed behaviour. The Parole Board will review information and weight it according to its merits.

The Parole Board takes great care not to cause a victim further anxiety or distress and so will be very mindful of the impact any request they make may have on a victim. The private nature of a restorative justice conference is important to preserve, and any further information will take this into account.

Information about participation in restorative justice will usually come from one, or more, of the following, which will be included in the parole dossier:

- Probation reports where the prisoner and restorative justice practitioner have engaged with probation staff working with the prisoner.
- The prisoner's own written representations (often from a legal representative).
- The Victim Personal Statement, if there is one.

Any reference to restorative justice may prompt the panel to ask for further information about the process. Any request for further information will be made via the Public Protection Group in HMPPS and they will be at liberty to make representations in respect of any matters of concern.

Parameters of the Parole Board role

- The Parole Board has no direct contact with victims. Victim engagement in the parole process is fully managed through the Victim Contact Service. Victim Liaison Officers have direct responsibility for ensuring victims signed up to the VCS are provided with the correct services.
- The majority of determinate sentence prisoners, excepting those serving an Extended Sentence, are released automatically at the half way point of their sentence and the Parole Board will not be involved.
- Many determinate sentence prisoners recalled to prison are automatically re-released if they were subject to a fixed-term recall, and many other cases will be re-released by the Secretary of State under Executive powers and the Parole Board will not be involved.
- The Parole Board does not manage an offender on licence once released, this is the responsibility of Probation Officers. If an offender breaches any of their licence conditions, it is the Probation Service, working with the Public Protection Group within HMPPS, that handle any return to prison.
- The Parole Board cannot deal with complaints about decisions regarding whether or not to release a prisoner. This can only be challenged by way of Judicial Review through the Administrative Courts, although there are plans to implement a reconsideration process in the future.

Further information

Information about the Parole Board on:

www.gov.uk/government/organisations/parole-board

Information on the Victim Contact Service:

www.gov.uk/get-support-as-a-victim-of-crime

Information about Restorative Justice on:

www.why-me.org

The Why me? Restorative Justice fact sheet for Parole Board Panel members is available on the Why me? website

Email Why me? at **info@why-me.org** for further information or advice.

More useful information about restorative justice can be found on the Restorative Justice Council website:

www.restorativejustice.org.uk

The Restorative Justice Council has been consulted about the content of this leaflet and commend its publication as a useful resource for restorative justice practitioners and services.