



BRIEFING PAPER

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The Parole System of England and Wales

By Ben Rodin

Contents:

1. The Parole System and the Parole Board
2. The Parole Process
3. The Osborn ruling and backlog of cases
4. Reform of the Parole Board
5. The need for transparency
6. Reconsideration mechanism
7. Review of the Parole Board Rules
8. Diversity of Parole Members
9. The Parole Board as a court



Contents

Summary	3
1. The Parole System and the Parole Board	4
2. The Parole Process	5
2.1 Types of hearings	5
2.2 The test for release	5
2.3 Victim personal statements	6
3. The Osborn ruling and backlog of cases	7
4. Reform of the Parole Board	9
4.1 The Worboys Case	9
4.2 Judicial Review of the Parole Board	9
5. The need for transparency	11
5.1 Rule 25 of the Parole Board Rules	11
5.2 Review of the law, policy and procedure relating to Parole Board decisions	11
5.3 Publication of decision summaries	12
6. Reconsideration mechanism	13
6.1 Concerns raised about the reconsideration mechanism	14
7. Review of the Parole Board Rules	15
8. Diversity of Parole Members	16
9. The Parole Board as a court	17

Summary

The parole system determines which prisoners, who have been sentenced to indeterminate and certain determinate sentences, can be released early subject to certain conditions. In England and Wales this system is overseen by the Parole Board. This organisation is responsible for:

- The release of certain prisoners, including approving licence conditions;
- Reviewing the circumstances in which some prisoners have been recalled and deciding whether those prisoners should be re-released; and
- Making recommendations to the Secretary of State for Justice for the transfer of indeterminate sentence prisoners from a closed (high or medium security) prison to an open (low security) prison.

The Parole Board undertakes hearings, either based on paper evidence or in person, to determine whether an offender can be released back into community without posing a risk of serious harm to the public.

The work of the Parole Board has increased significantly in recent years following a Supreme Court ruling in 2013 that oral hearings should be undertaken in a much wider range of cases. The number of oral hearing increased from 4,628 in 2012-13 to 8,137 in 2017-18.

Following the controversial decision to release John Worboys in November 2017 and the subsequent judicial review of the decision in the High Court, which quashed the original decision to release Mr Worboys, there was much criticism about the lack of transparency in how the Parole Board arrived at a decision, as well as the fact that a Parole Board decision could, at that time, only be challenged through judicial review.

In May 2018, the Parole Board Rules, secondary legislation governing the working of the Parole Board were amended to enable the Parole Board to provide summaries of its decisions to victims and other interested parties. Between May 2018 and March 2019, the Parole Board provided summaries for 1,171 decisions.

In February 2019, the Government published details of its proposals for a reconsideration mechanism. This allows victims, via the Secretary of State for Justice, as well as prisoners, to ask the Parole Board to reconsider its original decision. This came into force for decisions made after 22 July 2019.

1. The Parole System and the Parole Board

Parole is the mechanism by which prisoners on indeterminate and certain determinate sentences can be released early subject to certain conditions.

The Parole Board is an executive non-departmental public body, which is responsible for the parole system. It 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 is governed by the Parole Board Rules, secondary legislation that sets out the procedures that must be followed when determining parole cases.

Types of prisoners subject to parole

The Parole Board deals with three main groups of prisoners:

- **Extended determinate sentences:** These are prisoners with a fixed number of years for their sentence and an extended licence period of up to eight years. At the discretion of the Board, they have the potential for early release.
- **Indeterminate sentences:** These are prisoners with life sentences and those with indeterminate sentences of imprisonment for public protection (IPP). Prisoners with an IPP sentence have to spend a minimum amount of time in prison before they are considered for release by the Parole Board, but there is no set date as to when they must be released. IPP sentences were introduced in 2005 and abolished in 2012. However, a significant number of IPP prisoners remain in prison, as at 30 June 2019 there were 2,315 IPP prisoners. The Library briefing on IPP sentences includes [more information](#) on these prisoners.
- **Recalled prisoners:** The Parole Board reviews all IPP recall cases and any determinate recall cases referred by the Secretary of State for Justice.

The Parole Board fulfils three main functions:

- It decides whether to release all indeterminate and some extended determinate sentence prisoners, approving licence conditions when it does so;
- 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, and;
- It makes recommendations to the Secretary of State for Justice for the transfer of indeterminate sentence prisoners from a closed (high or medium security) prison to an open (low security) prison.

The Parole Board cannot make assessments as to whether the original sentence handed down by the court was suitable and/or appropriate.

2. The Parole Process

The parole process begins when a prisoner becomes eligible for parole and the Ministry of Justice refers the case to the Parole Board for review. Parole decisions are made by an independent panel of members. Panel members are public appointees and come from a variety of backgrounds, but some are specialists who may be judges, psychiatrists or psychologists. The principle focus of the panel is to carry out a risk assessment to establish whether a prisoner can be safely released into the community.

2.1 Types of hearings

All cases are initially reviewed based on paper-based evidence compiled by HM Prison and Probation Service. This is reviewed by a single Parole Board member, known as a Member Case Assessment (MCA), who decides whether they can release the prisoner based on papers alone, turn down parole, or refer the case for an oral hearing.

Oral hearings are often held in prison and parole panels are usually made up of one to three members. The prisoner will typically attend the hearing, along with their legal representative; the Secretary of State for Justice may also be represented. Witnesses can also be called, such as the prisoner's Offender Manager (also known as a Probation Officer) and a prison psychologist may also attend. The victim may also attend the hearing, more information on which can be found below.

2.2 The test for release

The panel is primarily looking for evidence of change in the behaviour of the prisoner from when they first committed the offence. The Panel will look at the situation that led the prisoner to commit the crime they were imprisoned for and what the offender has done to address that behaviour, such as completing rehabilitation programmes in prison. The prisoner's Offender Manager is required to submit a risk management plan, outlining how they will manage the offender in the community if released to minimise the risk to society. This includes, amongst other things, what accommodation they have and whether they have employment. The panel [will consider](#) whether this plan is robust enough when making their decision.

The main test for the panel in deciding to release a prisoner is whether an offender can be released back into community without posing a risk of serious harm to the public.¹ If the panel decide, after weighing the evidence, that an offender should be released - this is not because they think that they pose no risk, but that the likelihood of re-offending is now small enough to be effectively managed in the community.

Parole decisions cannot be directly appealed in court, apart from judicial review and, for cases from 22 July 2019, the reconsideration mechanism, further details of which can be found below.

In 2018-19, there were 17,718 Member Case Assessments made based on paper evidence. Of these, 6,952 resulted in the prisoner remaining in custody, 6,185 were directed to an oral hearing and 280 were released from prison based solely on papers.

In its latest annual report, the Parole Board states that it progressed 3,636 prisoners to release or open conditions. Of these, 40 cases (1.1%) were referred for review following a person being charged with a Serious Further Offence (SFO) following a Parole Board decision.

¹ See for example section 28 of the *Crime (Sentences) Act 1997*

2.3 Victim personal statements

Victims are able to make a personal statement to be presented at the parole hearing. Victims who have been subjected to violent or sexual crime where the offender has been sentenced to more than 12 months are entitled to receive information through the Victim Contact Scheme. Members of the Victim Contact Scheme have access to a Victim Liaison Officer, who is responsible for telling victims when an offender is up for parole as well as how to make a personal statement. At the discretion of the Parole Board, a victim can appear at the parole hearing to read their personal statement or have someone else read it on their behalf.

The Ministry of Justice has pledged to do more to improve engagement and communication with victims. This includes further training for victim liaison officers to make sure they have the necessary information and skills to support victims, as well as looking at ways to provide more victims with the option of delivering their personal statement remotely without having to attend the prison.²

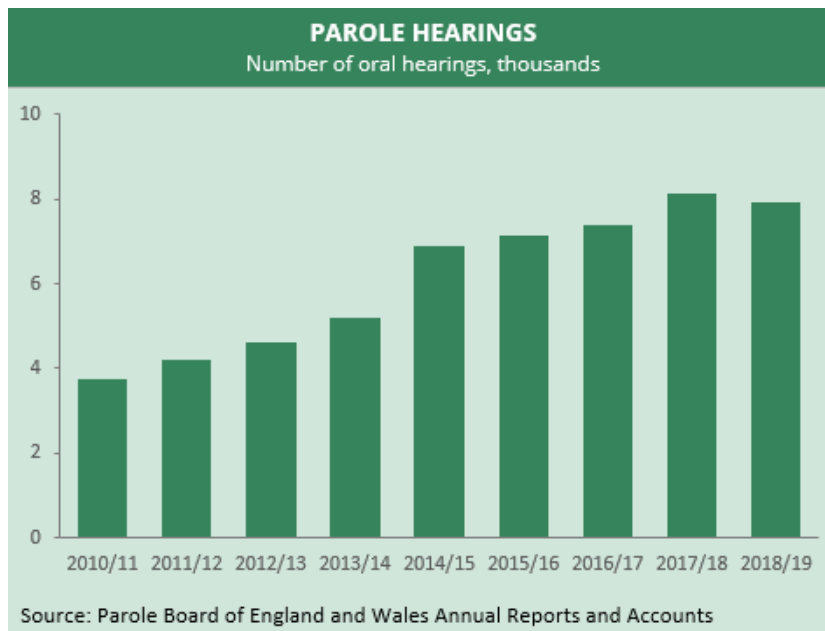
² Ministry of Justice, [Review of the Parole Board Rules and Reconsideration Mechanism: Delivering an effective and transparent system](#), CP 29, February 2019, page 18

3. The Osborn ruling and backlog of cases

The cases of *Osborn, Booth and Reilly v The Parole Board* [2013] (known as the Osborn ruling) was an appeal brought in the Supreme Court by three prisoners about the circumstances in which the Parole Board was required to hold an oral hearing.³ The parole hearing of each prisoner was considered solely on papers by a single-member panel and each was denied release, without the option of an oral hearing. The Supreme Court [ruled in favour](#) of the appeal in October 2013, ruling that oral hearings should be undertaken in a much wider range of cases.

The National Audit Office (NAO), in an investigation into the Parole Board, found that the ruling had an immediate impact on the demand for oral hearings conducted by the Board. There were 6,872 oral hearings conducted by the Board in 2014-15, an increase of 48% in comparison to 4,628 in 2012-13. The NAO's investigation also found that

...the number of outstanding cases increased by more than 140% following the Osborn ruling. The Board had a backlog of cases for several years, but the number of outstanding cases increased by 143% from October 2013 to a peak of 3,163 in January 2015. Of the 2,117 oral cases outstanding in September 2016, 13% were more than a year past their target date for a hearing. A further 16% were more than six months past their target date.⁴



³ *Osborn, Booth and Reilly v The Parole Board* [2013] UKSC 61. See the Supreme Court [Press Summary](#), 9 October 2013

⁴ Comptroller and Auditor General, [Investigation into the Parole Board](#), HC 1013, February 2017, page 8

8 The Parole System of England and Wales

However, the position has improved since then and the Parole Board reported that it had reduced its backlog to around 1,250 by the end of 2017,⁵ although the number of outstanding cases increased by 411 in 2018-19.⁶

The Parole Board held a record 8,137 oral hearings in 2017-18 and 7,903 in 2018-19. This was supported by a major recruitment drive in 2016 when an additional 104 members were recruited.⁷ A further recruitment drive was held in 2018-19, although the number of members decreased from 301 in 2017-18 to 251 in 2018-19.⁸

In his foreword to the [2018-19 Annual Report](#) for the Parole Board, the Chief Executive, Martin Jones, said:

It is now clear to me that the Board will need to hold over 8,000 oral hearings a year for the foreseeable future to keep up with demand.

⁵ The Parole Board of England and Wales, [Annual Report and Accounts 2017-18](#), HC 1334, July 2019, page 10

⁶ The Parole Board of England and Wales, [Annual Report and Accounts 2018-19](#), HC 2497, July 2019, page 12

⁷ Comptroller and Auditor General, [Investigation into the Parole Board](#), HC 1013, February 2017, page 37

⁸ The Parole Board of England and Wales, [Annual Report and Accounts 2018-19](#), HC 2497, July 2019, page 43

4. Reform of the Parole Board

4.1 The Worboys Case

In March 2009 John Worboys (now known as John Radford), a taxi driver, was convicted of 19 serious sexual offences committed between October 2006 and February 2008 involving twelve victims. He was subsequently sentenced to an indeterminate sentence for public protection with a minimum term of 8 years', less time on remand. Mr Worboys became eligible for release in February 2016 subject to the Parole Board being satisfied that it was no longer necessary for the protection of the public for him to be held in prison.

In December 2017, the Parole Board determined that Mr Worboys could be released back in to the community on licence. On 4 January 2018, concerns were widely reported that not all of his victims had been notified that he had been due to be released. The then Chair of the Parole Board, Professor Nick Hardwick, [released a statement on 5 January 2018](#) saying that:

I recognise there is a lack transparency of Parole Board processes and I have recently set out options for change. We currently have a statutory duty under the Parole Board Rules that prevents disclosure of proceedings. We will shortly be launching a public consultation about how we share our decision making with the public.

I am very concerned some victims were not told about the decision, this must have been very distressing. There are robust arrangements in place for victims to be informed through The Victim Contact Service. We were told that had been done as usual in this case and released the decision on that basis.

On 9 January 2018, the then Secretary of State for Justice, David Gauke, made a statement in the House on the release of Mr Worboys and the Government's response to the issues raised by this case. He said that:

While it appears that the correct procedures were followed, the fact that some victims learned of the decision from the media suggests that there is a need to review those procedures and examine whether lessons can be learned and improvements can be made.⁹

4.2 Judicial Review of the Parole Board

Decisions made by the Parole Board Rules are not subject to appeal and until 22 July 2019, could only be challenged via judicial review. In February 2018 two victims of Mr Worboys did bring a judicial review in the High Court against his release. The Court upheld this challenge and quashed the original release direction on the basis that the Parole Board should have undertaken further inquiry into the circumstances of Mr Worboys' offending.¹⁰ The Board was ordered to reconvene a new panel to hear Mr Worboys' case again. In November 2018, it was

⁹ HC Deb 9 January 2018 [c192](#)

¹⁰ [R \(DSD & Anor\) v The Parole Board of England and Wales \[2018\] EWHC 694 \(Admin\)](#) and [summary](#)

confirmed that following a new parole hearing, Mr Worboys would remain in prison.

On the 19 January 2018, the Secretary of State for Justice, in a statement to the House confirmed that he would not instigate proceedings for a judicial review, as a party to the original proceedings. He explained his reasoning for this decision to the House on 28 March 2018, saying:

...it would have been unprecedented for the Secretary of State to bring a judicial review against the Parole Board—a body which is independent but for which my Department is responsible. I took expert legal advice from the leading counsel on whether I should bring a challenge. The bar for judicial review is set high. I considered whether the decision was legally irrational—in other words, a decision that no reasonable Parole Board could have made. The advice that I received was that such an argument was highly unlikely to succeed.¹¹

¹¹ HC Deb 28 March 2018 [c776](#)

5. The need for transparency

5.1 Rule 25 of the Parole Board Rules

Rule 25 of the Parole Board had previously provided a blanket prohibition on the release of information about parole proceedings. Until May 2018 the Parole Board did not publicly disclose any information about the decisions they made or the reasons for those decisions, although decisions were disclosed to victims through the Victim Contact Scheme. The High Court, in response to the judicial review brought by two of the victims of Mr Worboys, found Rule 25 to be unlawful and in contravention of the principles of open justice. The Court ruled that:

In our judgment, the Rule clearly does go too far. There is no objective necessity for a rule which stifles the provision of all information relating to the proceedings of the Parole Board, regardless of the justified public interest in any particular set of proceedings and of the fact that not all information needs to be safeguarded.¹²

There have been a number of calls for greater transparency in the parole system. The Justice Committee conducted an inquiry into the transparency of Parole Board decisions. In giving evidence to the inquiry, the then Victims Commissioner for England and Wales, Baroness Newlove, [said that](#):

I still think it feels very much that the victim is on the periphery and the service will still be on the other side. It is not just a case of information being passed down; it is how it is being passed down, what environment it is being passed down in and whether the victim is able to digest it and ask questions.¹³

The Chair of the Justice Committee, Bob Neill, [wrote to the Secretary of State](#) for Justice following the Committee's inquiry surmising that :

We [the Justice Committee] believe that the presumption ought to be that the Board tells those victims who wish to be kept informed as much as they can, including some information about how the prisoner has progressed and what the licence conditions are.¹⁴

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

The Ministry of Justice published its review of the law, policy and procedure relating to Parole Board decisions on 28 April 2018.¹⁵ The Secretary of State for Justice ordered the review on 9 January 2018,

¹² [R \(DSD & Anor\) v The Parole Board of England and Wales \[2018\] EWHC 694 \(Admin\) and summary](#)

¹³ Justice Committee, Oral evidence: [The transparency of Parole Board decisions and involvement of victims in the process](#), HC 755, 7 February 2018, Q61 [Baroness Newlove]

¹⁴ [Letter from the Chair of the Justice Committee to the Secretary of State for Justice on Parole Board decisions](#), 27 March 2018

¹⁵ Ministry of Justice, [Review of the law, policy and procedure relating to Parole Board decisions](#), Cm 9611, April 2018

following the announcement of the Parole Board's decision to release Mr Worboys.¹⁶ The review included consideration of the transparency of the process of making parole decisions, as well as whether victims are engaged properly in that process. The Review announced immediate government action to:

- Amend Rule 25 to provide that a summary of the reasons for Parole Board decisions must be disclosed to those victims engaged with the Victim Contact Scheme who want contact, as well as other parties who request the summary if the Parole Board Chair considers that disclosure is justified in the principle of open justice.
- Launch a consultation on the detail of a new reconsideration mechanism.
- Make improvements to the way in which Government communicates with victims, as well as looking at how more victims can be offered the Victim Contact Scheme (VCS).

5.3 Publication of decision summaries

The changes to Rule 25 to allow summaries of Parole Board decisions to be provided to victims and other interested parties came into force on 22 May 2018.¹⁷ [According to guidance](#) published by the Parole Board, summaries include details of what evidence was received, explain the assessment of that evidence and how the panel came to the conclusion they did. Summaries also set out information about the prisoner's risk and their progress in custody, as well as some information about any licence conditions that will be in place on release into the community. Summaries do not include details about the original offence.

Between 22 May 2018 and 31 March 2019, the Parole Board provided summaries in 1,171 decisions.¹⁸ Of the total number of summaries, 99% were provided to victims, with the remaining 1% being provided to the media or other interested parties. As at 24 April 2019, the Parole Board has received 2,100 summary requests and takes on average nine days to issue a summary once requested. It has a target to provide summaries within seven days of request.¹⁹

¹⁶ HC Deb 9 January 2018 [c193](#)

¹⁷ [The Parole Board \(Amendment\) Rules 2018](#)

¹⁸ The Parole Board of England and Wales, [Annual Report and Accounts 2018-19](#), HC 2497, July 2019, page 10

¹⁹ [Letter from Martin Jones, Chief Executive, The Parole Board, to the Chair of the Justice Committee](#), 24 April 2019

6. Reconsideration mechanism

Following its review of the law, policy and procedure relating to Parole Board decisions, the Ministry of Justice launched a consultation in April 2018 on a reconsideration mechanism for parole to offer both victims and prisoners the opportunity to ask the Parole Board to reconsider a decision where it is deemed to be legally flawed.²⁰

The results of consultation were published in February 2019 and parole decisions made on or after 22 July 2019 can now be reconsidered by the Parole Board.²¹ Under the new system there are 21 calendar days for an application to reconsider to be made. Only the Secretary of State and the prisoner themselves will be able to make a formal application, as the parties to the original parole decision. Victims must ask the Secretary of State to apply to the Parole Board to reconsider a case on their behalf.

As a party to the original hearing, prisoners may apply directly to the Parole Board for a decision to be reconsidered. However, the reconsideration mechanism will only apply to decisions made in respect of the release of indeterminate sentenced prisoners and prisoners serving Extended Determinate Sentences.

The criteria for reconsideration are based on judicial review grounds and the decision has to be legally flawed in some way. The Government has set out the criteria as follows:

- the correct process was not followed in the review of the offender for parole - for example, important evidence was not taken into account; and
- the decision was irrational or unreasonable - the decision cannot be justified based on the evidence of risk that was considered.²²

How the reconsideration mechanism works

The following steps must happen with the 21-calendar day window:

- The Parole Board issues its decision and notifies the Ministry of Justice and prisoner.
- The Ministry notifies those victims who wish to be contacted of the decision via Victim Liaison Officers and the Victim Contact Scheme. Victims are offered the opportunity to request that the Secretary of State ask the Parole Board to reconsider its decision and can also request a decision summary as set out above.
- Once a victim has determined whether they believe a decision is flawed and wish to ask the Secretary of State to ask the Parole Board to reconsider its decision, the Public Protection Casework Section (PPCS) in HMPPS will decide whether there is a case to submit an application. The Public Protection Casework Section will also independently screen Parole Board decisions to identify cases where there may be grounds for reconsideration.
- Once an application has been made to the Parole Board to reconsider a decision, the application will be reviewed by a judicial or accredited member of the Parole Board. They may either refuse

²⁰ Ministry of Justice, [Reconsideration of Parole Board decisions: creating a new and open system](#), Cm 9612, April 2018

²¹ Ministry of Justice, [Review of the Parole Board Rules and Reconsideration Mechanism: Delivering an effective and transparent system](#), CP 29, February 2019

²² [The Parole Board Rules 2019](#)

- the application, decide the case requires a new hearing or resolve the application administratively themselves.
- If the application for reconsideration is accepted, the case will be sent for another parole review, either based on papers or at an oral hearing. Depending on the circumstances, the review will either be managed by the panel who made the original decision or a new panel of members.
 - If the application to reconsider is rejected then the Parole Board will provide written reasons as to why the decision should not be reconsidered.

For the year 2019-20, the Ministry estimates that there will be approximately 3,400 cases eligible for reconsideration. Of those it is estimated the Secretary of State may challenge between 1% and 5% of release decisions and prisoners between 13% and 16% of decisions to remain in custody. The new mechanism is estimated to generate between 25 and 90 additional parole hearings a year. The total cost of the reconsideration mechanism is estimated at £1.3 million in 2019-20 and £1.2 million per year thereafter.²³

6.1 Concerns raised about the reconsideration mechanism

After the announcement of the reconsideration mechanism in February 2019, concerns were raised about how it would operate in practice. In particular, the timeframe for victims to ask the Secretary of State to ask the Parole Board to consider the case was considered to be too short by some. The then Victims Commissioner, Baroness Newlove was reported as saying:

If this challenge process is to be meaningful, victims must have a sufficient window of time to consider the Parole Board reasoning before deciding whether to challenge. I will want to be sure that this is on offer in every case.²⁴

The Justice Committee also raised concerns about the length of time victims have to request reconsideration. In response, the then Secretary of State for Justice, David Gauke, wrote to the Chair of the Justice Committee, Bob Neill, [explaining that provision](#) had been made in the rules that allows the Parole Board to grant an extension to the 21- day application window. He explained that:

Such an extension would be granted in exceptional circumstances where it may be in the interests of fairness and justice for the Board to do so. If there is good reason why it is not possible for a victim to submit a request within the application window—for example if they are not available to be told about the decision or if there has been a failure to communicate with them in line with agreed processes -this provision would allow for them to be given more time.²⁵

²³ Ministry of Justice, [Reconsideration of Parole Board decisions: creating a new and open system Government response to the public consultation](#), CP 30, February 2019, page 22

²⁴ [Lawyer for John Worboys victims dismisses parole reforms](#), The Times, 4 February 2019

²⁵ [Letter from the Secretary of State for Justice to Chair, Justice Committee](#), 24 June 2019

7. Review of the Parole Board Rules

The Ministry of Justice also launched a review of the Parole Board's rules in April 2018, alongside its consultation on a reconsideration mechanism. This was published in February 2019 and the Government committed that:²⁶

- The Parole Board will publish clear procedures and standard practice to support quality and consistency in decision making and to provide information about what sort of information and factors are taken into account and how release decisions are reached.
- Further improvements to engagement with victims and the commitments in the Victims Strategy, the cross-government strategy published in September 2018, will be delivered. This includes additional training to support Victim Liaison Officers as well as making it easier for victims to opt in and out of the Victim Contact Scheme at a later stage in the prisoner's sentence
- A new operational protocol between the Parole Board and HM Prisons and Probation Service, which will clarify roles and responsibilities within the parole system.
- A new policy framework, published by HM Prisons and Probation Service, which will implement improvements to timescales that the review found could make the process more efficient.
- A new Rules Committee will be created to oversee future rule changes, ensuring the rules keep pace with wider developments, with input from key stakeholders including victim representatives.
- Provision will be made in the rules for prisoners with mental health needs and learning difficulties, who lack mental capacity, to ensure a fair hearing, including the appointment of suitable representation if necessary. This was implemented in the Parole Board Rules 2019, which came into force on 22 July 2019.²⁷

²⁶ Ministry of Justice, [Review of the Parole Board Rules and Reconsideration Mechanism: Delivering an effective and transparent system](#), CP 29, February 2019

²⁷ [The Parole Board Rules 2019](#)

8. Diversity of Parole Members

A lack of diversity in the membership of the Parole Board has been a long-standing issue. Caroline Corby, the Chair of the Parole Board, raised this as a problem in her pre-commencement hearing with the Justice Committee, highlighting that one her priorities was to increase the ethnic diversity of Parole Board membership. She said that

We have a real issue there, particularly when you think of the Lammy review and its findings. We have 240 Parole Board members, and only 13 members with a BAME background. That is very low. We will have a recruitment round in 2019 to try to address that.²⁸

On 20 August 2019, the Parole Board [announced that following a recruitment campaign](#), an additional 53 independent Members would join the Parole Board, 48% of whom are from a Black, Asian and Minority Ethnic (BAME) background. Overall, the proportion of Parole Board Members who identified as being from a BAME background has increased from 5% to nearly 13%.

David Lammy, in [his independent review into the treatment of, and outcomes for BAME individuals in the criminal justice system](#), published in September 2017, concluded that there was a lack of transparency in Parole Board decisions in relation to the treatment of and outcomes for BAME prisoners.²⁹ He recommended that the Ministry of Justice and the Parole Board should report on the proportion of prisoners released by offence and ethnicity and that this data should also cover the proportion of each ethnicity who go on to reoffend.

The Government responded that the Parole Board and the Ministry of Justice are working on ways to report release by sentence type divided by ethnicity, as well as looking at how they can publish reoffending rates by ethnicity.³⁰

²⁸ Justice Committee, [Oral evidence: Pre-commencement hearing: Chair of the Parole Board](#), HC 1649, 30 October 2018, Q4

²⁹ David Lammy, [The Lammy Review](#), September 2017, page 52

³⁰ Ministry of Justice, [Government Response to the Lammy Review on the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System](#), Cm 9550, December 2017, page 10

9. The Parole Board as a court

The Parole Board has been widely described as a 'court like body'. The former Chair of the Parole Board, Professor Nick Hardwick, described it as a quasi-judicial body where a panel is constituted to determine whether a prisoner can be released or not.³¹ Once a panel has made its decision the only way that can be challenged is through judicial review or, as of 22 July 2019, the reconsideration mechanism.

There has been some debate as to whether it is acceptable for the Parole Board to be an executive non-departmental public body or whether it would be more appropriate for it to be part of the court system instead. When looking at the transparency of Parole Board decisions, the Justice Committee considered that one option might be for the Parole Board to transfer to HM Courts and Tribunals Service and for the system to be reconfigured to operate in a similar manner to Mental Health Tribunals with an upper and lower tier, enabling appeals to be made.³²

The Ministry of Justice is currently undertaking a review of the Parole Board. This will consider what further changes over the longer term would benefit the parole process. The [Ministry has said](#) that the Review will:

...consider fundamental issues such as the purpose of the Parole Board, which functions it should deliver, its efficiency and effectiveness and its structure, including whether it should become a judge-led tribunal. This also includes assessing whether the Parole Board should receive additional powers and be monitored by an independent inspectorate.

The report of the Review is due to be published in Autumn 2019.

³¹ Justice Committee, [Oral evidence: The transparency of Parole Board decisions and involvement of victims in the process](#), HC 755, 7 February 2018, Q8 [N Hardwick]

³² [Letter from the Chair of the Justice Committee to the Secretary of State for Justice on Parole Board decisions](#), 27 March 2018

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