



National Audit Office

MINISTRY OF JUSTICE

Protecting the public: the work of the Parole Board



SUMMARY

1 The Parole Board for England and Wales (the Board) is an independent body which has the overarching aim of working with others to protect the public and contributing to the rehabilitation of offenders.¹ The Board works with, and is dependent upon, other parts of the criminal justice system including HM Prison Service and the probation service in reaching its decisions to release offenders from custody. The Board is an Executive Non-Departmental Public Body of the Ministry of Justice² and in 2006-07, its budget was £6,641,000.³ At the heart of the Board's

structure are its members who make decisions on cases: judges, psychiatrists, psychologists, probation officers, criminologists and independent members.

2 The main types of case the Board considers are:

- **Determinate** sentenced prisoners serving four years or more, and those given extended sentences for public protection.
- **Indeterminate** sentences for public protection (IPP) and life sentenced prisoners.
- **Recalls** to custody for breaches of licence.

¹ The Parole Board Corporate Plan 2007-2010.

² From 9 May 2007. Until that date the Board had been sponsored by the Home Office.

³ All of this was received as grant-in-aid from the Home Office which previously was the sponsoring department.

3 The number of cases handled by the Board has increased sharply in recent years, (31 per cent between 2005-06 and 2006-07) and its workload totalled 25,000 cases in 2006-07, 23 per cent more than the Ministry of Justice had estimated. There has also been a shift from paper panels to more demanding oral hearings, which looks likely to continue, and has significant future resource implications for the Board.

4 This study examines whether:

- Members of the Board are well equipped to make decisions;
- the Board manages its workload in a timely and efficient way; and
- the Board has adequate processes for reviewing its performance and learning lessons.

Conclusions on whether Board members are well equipped to make decisions

5 Assessing the risk posed by offenders is difficult and members do not always receive all the information they should have to make an informed decision. In particular we found that 97 of the 276 indeterminate cases we examined did not contain either an Offender Assessment System report (OASys) or a Life Sentence Plan, key documents produced by prison and probation staff which assess the risks posed by offenders. We also found that the Board does not use a set format for members to record reasons for their decisions as happens at the Parole Board for Scotland.

6 We found that release rates arising from the Board's decisions for determinate sentenced offenders fell from 50 per cent in 2005-06, to 36 per cent in 2006-07 and for indeterminate sentenced offenders fell from 23 per cent to 15 per cent. Neither the Ministry of Justice nor the Board could identify a change in policy or procedures to explain these decreases. Members told us they have felt under additional pressure in the light of the publicity surrounding two high profile cases where offenders released on parole had gone on to commit serious further offences and a speech made by the then Home Secretary at the Board's 2006 Annual Lecture. An increased level of caution is understandable but the reduction in release rates raises concerns about the consistency of the Board's decisions.

7 During the period from 2002-03 to 2006-07, the number of determinate sentenced offenders recalled for having committed a further offence⁴ remained stable at six per cent. The number of offenders on life licence recalled for having committed a further offence⁵ also remained stable at 6 per cent in 2005-06 and 2006-07. These figures suggest that patterns of re-convictions have remained broadly constant, and that standards of risk assessment by the Board are being maintained when identifying those offenders ready for release into the community.

8 The Board wants to increase the number of judges, psychiatrists and psychologists it has as members to cope with its increasing workload but it is finding it difficult to find suitable candidates. We found that the Board is not always making the best use of its existing membership. In the 12 months to 30 September 2007, 22 of its existing members contributed fewer than the minimum number of days set out in the Board's guidance. Members told us that some are not happy with the level of remuneration offered; the location of some hearings; the increasing risk of hearings being cancelled at short notice resulting in nugatory work; and the receipt of incomplete or late information for the dossiers.⁶

9 We found that the membership of the Board does not reflect the current structure of society in England and Wales. While the composition of the membership is equally balanced between the sexes, the average age of members is currently 50⁷ and despite efforts by the Ministry of Justice to recruit more members from the ethnic minorities only four current members describe themselves as being non-white.

10 Members like the New Member Training they receive and also appreciate mentoring from more experienced members. Some though had concerns about the amount and suitability of follow up training. The appraisal of members is also generally well liked. The members told us that generally they find written guidance 'helpful' or 'very helpful'.

⁴ Expressed as a proportion of the average number of determinate sentenced offenders on licence.

⁵ Expressed as a proportion of all life licensees.

⁶ The terms dossier and case file are used interchangeably in this report.

⁷ Of the 110 non-Judicial members at 1.10.07 who disclosed their age at joining.

Conclusions on whether the Board manages its workload in a timely and efficient manner

11 The Board has performance targets for each of the main types of case it considers. We found that it is meeting its targets for handling determinate sentence cases on time. However, only 32 per cent of oral hearings for indeterminate sentences are being held on time. Two thirds of oral hearing cases we examined had been deferred at least once including 45 per cent deferred on the day of the hearing. The most common reasons were that the Board had not received the information required to make a decision or that the Board could not arrange the required panel of three members. Only 65 per cent of the deferrals we found were recorded in the Board's database.

12 In 2006-07, the Board also failed to meet its target to review decisions to recall offenders to custody within six days, in part because the large rise in the number of recall cases had been underestimated by the then Home Office and was not funded accordingly. It is now meeting its Business Plan target to consider cases within six days in part by re-appointing former Board members on a temporary basis to assist with this work, however, it is often not able to reach a conclusion at these hearings primarily because it does not have all the information it requests. The Board has also been unable to meet its targets for the timely holding of oral hearings where the decision to recall the offender has been challenged primarily because of the non-availability of members and the short timescales involved.

13 Delays, deferrals and missing information can lead to prisoners spending longer in custody than necessary, placing additional pressure on the prison system and potentially contravening the human rights of the prisoner. There is also a cost to the taxpayer of the additional time that prisoners spend in custody or in closed rather than open conditions. For the Board to arrange and hold hearings efficiently, it relies on timely and complete information being provided by the Ministry of Justice, HM Prison Service⁸ and the probation service as well as timely handling by the Board itself. However, each of these organisations is facing difficulties and not always providing the necessary information complete and on time.

14 The Board has recently introduced a new system for processing oral hearings: Intensive Case Management which involves a trained Board member checking whether a complete dossier has been received at the appropriate time and if not, issuing a reminder to the prison. If the information does not arrive promptly the case is deferred. However, the process still relies on prisons and probation providing timely information and, despite taking considerable steps, the Board has to date been unable to successfully publicise the process amongst staff at these organisations. It is too early to say what the results of Intensive Case Management will be.

Conclusions on whether the Board has adequate processes for reviewing its performance and learning lessons

15 The Board has established a Review Committee of Board members and external representatives to examine the validity and quality of the decision in cases where offenders on licence commit a serious sexual or violent offence after release. This Committee provides rigorous feedback for the members who made the decision and identifies wider learning points for all members.

16 Over the past five years the Board has faced an increase in the number of challenges to its decisions broadly in line with the overall increase in its workload. In 2006-07, the Board received over 2,900 challenges and as a result re-panelled over 300 cases. The cases were re-panelled either because new information was brought to the attention of the Board, or because the offender considered the Board had made a procedural error or there was a factual error in the Board's reasons for its decision. If offenders are not content with the way the Board handles their challenge they can call for a Judicial Review of their case. The Board is currently contesting 58 Judicial Reviews, over 40 per cent of which have been brought because of delays on the part of the Board in hearing the case. The increase in Judicial Reviews means higher legal costs for the taxpayer and increases the risk of having to pay compensation to prisoners although to date the Board has only lost four Judicial Reviews.

⁸ The references to HM Prison Service in this report include the contracted sector of privately operated prisons.

Value for Money conclusion

17 The Board is working hard to improve its performance in managing its work, but is not able to handle its own workload, and is heavily constrained by delays within the Ministry of Justice, HM Prison Service and the probation service in providing timely and complete data for the parole system. Incomplete and late information makes it harder for the Board's members to make their decisions, posing a greater risk that the wrong decision may be made although figures suggest that patterns of reconvictions have remained broadly constant from 2002-03 to 2006-07 and therefore that standards of risk assessment by the Board are being maintained. Delays in the parole process also means that prisoners are sometimes being kept in prison or held in closed conditions longer than they should be at a time when the Ministry of Justice is looking for ways to reduce the prison population. Failures to release on time and the cost of the administrative delays at the Board resulted in an additional cost of nearly £3 million in the nine months to 1 June 2007.

Recommendations

On the membership of the Board and the way it records its decisions

- The Ministry of Justice should, along with the Board, examine the composition of the Board's membership to consider whether it can be made more representative. In particular the Ministry of Justice and Board should identify ways of attracting more members from different ethnic backgrounds.
- The Board should build on the steps it has already taken to monitor closely the amount of time members are making available for casework, to ensure that all members meet their minimum workload commitment. The Ministry of Justice, in consultation with the Board, should also re-appoint former Board members to help with the backlog of oral hearings.
- The Board should introduce a template to record the reasons for all decisions which should follow the checklist of issues that members are expected to consider. All members of panels should sign off the agreed written reasons after hearings. All written guidance to members should be made available online.

On the processing of cases

- The Ministry of Justice should:
 - ensure that all parties are providing all the required information for the Board on indeterminate sentenced prisoners, including OASys reports, in a timely manner.
 - from 2009-10, it should also introduce a target which covers the entire process of providing information and holding hearings for indeterminate sentenced prisoners. This should embrace specific targets for:
 - the provision of information by HM Prison Service;
 - a new target for the probation service; and
 - a time target for holding oral hearings for the Board.
- The Board should take further steps to publicise its Intensive Case Management process to prisons and probation so that the timetables and quality standards are understood by all, and monitor the results.
- The Ministry of Justice needs to produce more realistic workload forecasts and formally revisit these and agree them with the Board at least twice a year so that all relevant changes in the criminal justice system are reflected in the forecasts.
- The Board needs to ensure that by June 2008, all relevant information is included in its database of oral hearing cases. It should also issue new guidance to staff on how to record information and introduce exception reporting.

On the way the Board reviews its performance and learns lessons

- Release rates for both determinate and indeterminate cases fell sharply in 2006-07 without any change in policy or procedure; the Board and the Ministry of Justice should identify why.
- The Review Committee does a valuable job in reviewing past decisions where offenders on parole or life licence have gone on to commit a further serious violent or sexual offence. The Board should review random samples of other completed cases to assess the quality of the reasons for the decisions taken.