

JUSTICE publishes landmark report on reforming the Parole Board and system



On 20 January 2022, JUSTICE will publish its report '**A Parole System fit for Purpose**'. The report has been prepared by a Working Party of experts, chaired by Nicola Padfield QC (Hon), Professor of Criminal and Penal Justice at the University of Cambridge. It makes **22 practical, achievable, and well-evidenced recommendations** which explore and show how the parole system could be truly fit for purpose for those in prison, victims, and the general public. We hope it will help inform the Government's own 'root and branch' review and its recommendations for reform.

A parole hearing can be a life-changing moment. For many, it is the turning point between lengthy periods of incarceration and the start of a new life in the community – a second chance. Those detained by the State must be afforded appropriate access to justice to enforce their rights. At the head of this process is the Parole Board, whose members make difficult and sometimes controversial decisions. It is right that its role remains subject to regular scrutiny, which has been the case since the Parole Board's creation over fifty years ago.

Backlogs and delays have plagued the parole system in recent years, which in turn delay a person's release from prison. In particular, recalls of prisoners on licence have surged in the last decade - individuals who have been recalled now make up 14% of the prison population. Moreover, the parole process can be particularly difficult to navigate and raises a multitude of human rights concerns around effective participation and procedural fairness. There is often a disregard for how the process impacts on prisoners and for their ability to participate in the process. Studies which have looked at prisoners' understanding, and experience have indicated feelings of anxiety, powerlessness, voicelessness, frustration, disengagement, and a deep sense of irrational justice.

The report explores parole through each stage of the process. Our findings show that it is not working as effectively as it should. This has significant consequences, not only for those prisoners who could be released, but also for victims, whose assailants too often lack the opportunity for any meaningful rehabilitation and therefore risk reoffending upon release, and taxpayers, who are entitled to expect public money to be utilised in a way that delivers results.

Key recommendations include:

- **Replacing the Parole Board with a Parole Tribunal**, which will have the necessary powers, respect from third parties (such as police and probation), and authority to make fully independent decisions without Government interference.

- **Requiring that the State, rather than the individual in prison, justify any continued detention beyond the minimum term**, so that the responsibility for demonstrating the (un)manageability of risk is properly allocated.
- **Reforming the recall process**, which would require that facts of an alleged breach of a licence condition are established in a magistrates' court before the recall takes place, after which the case can go to the Parole Tribunal to consider the issue of risk and whether re-incarceration is appropriate.
- **Placing rehabilitation at the heart of the parole process**, by giving the Parole Tribunal oversight of an individual's progression through prison, including of executive decisions which impact their chance to be released.
- **Greater accessibility of information** for those in prison, their families, and victims, so that everyone is given the tools they need to properly participate in the parole process. This includes creating a duty for the newly-established Parole Tribunal to update those in prison and, where relevant, victims, on the progression of the case, as well as providing general information about the parole process.
- **Enhancing the Parole Board's programme of training** to include areas such as sentencing, procedure, prison law and policy, critical analyses of offending behaviour programmes and risk management tools, equality and diversity, cultural awareness, vulnerable people (including those with mental health and neurodiverse conditions and children).
- **Greater rigour when imposing licence conditions**, requiring that the Probation Service only be able to request that the Parole Tribunal impose licence conditions where it has demonstrated, with clear written explanations, how they are reasonable and proportionate, and their impact on an individual's chances of successful rehabilitation.
- **Significantly expanding the provision of accommodation for those released from prison**, so as to guarantee that nobody is released homeless. The Ministry of Justice should also review the provision of accommodation for particular categories of prisoners, such as women, older prisoners, and those with complex health needs.

Chair of the JUSTICE Working Party, Professor Nicola Padfield QC (Hon) said:

"It was both a pleasure and a huge challenge to chair this project. For too long, policy makers have not afforded the parole process the attention it deserves in order to be truly fit for purpose. Too many individuals remain in prison unnecessarily, and those who are released are too often denied access to the tools they need to succeed when reintegrating into the community. This must change. I hope that this report will prove really useful to those who are committed to improving the system of conditional release and re-release from prison - improving it for prisoners, victims, society, and the rule of law".

JUSTICE's Acting Legal Director, Stephanie Needleman said,

"The parole process continues to fail those in prison, victims, and wider society. Many of these issues are not new. Indeed, in our 2009 report, JUSTICE recognised the

chronic lack of respect and powers from which the Parole Board suffers, and called for the creation of an independent Tribunal. The promise of reform, therefore, cannot come soon enough. As well as reiterating that recommendation, our report offers a fresh look more widely at the system and its key actors. In many cases, continued incarceration is unnecessary. The consequences are devastating at a human level for those detained and victims of reoffending, as well as at a financial level, given the exorbitant cost of prison. If implemented, the benefits would be immense, with fewer delays, less reoffending, and more individuals given a second chance at living a crime-free life. There is a great opportunity to improve the system. We call on the Government to seize it.”

Notes to Editors

1. JUSTICE has a long history of using Working Parties of its membership to effect systemic changes within the legal system. For example, the Ombudsman system and Criminal Injuries Compensation Board were set up on the recommendation of previous JUSTICE Working Parties.
2. The Working Party was supported by international law firm Hogan Lovells LLP.
3. The Working Party was chaired by Professor Nicola Padfield QC (Hon) and its members were: Dr. Harry Annison, University of Southampton; Sir David Calvert-Smith QC, former Director of Public Prosecutions and former Chair of the Parole Board; Marc Conway, Prisoner Engagement Co-ordinator, Prison Reform Trust; Simon Creighton, Founding Member and Consultant, Bhatt Murphy Solicitors; Ryan Herbert, Serving Indeterminate Sentence Prisoner and Current Criminal Justice Postgraduate; Dr. Laura Janes, Legal Director, Howard League for Penal Reform; Chitra Karve, Panel Chair, Parole Board; Shkar Kider, Solicitor, Kesar & Co Solicitors; Dean Kingham, Prison and Public Law Solicitor, Reece Thomas Watson Solicitors; Sir David Latham QC, former Lord Justice of Appeal and former Chair of the Parole Board; HH Daniel Pearce-Higgins QC, former Circuit Judge, Legal Member of the Mental Health Review Tribunal; HH John Samuels QC, former judicial member, Parole Board; Deirdre Smythe, Barrister, Clerksroom Chambers; Karen Walton, Barrister, Drystone Chambers; Tyrone Steele, Criminal Justice Lawyer, JUSTICE (Rapporteur).
4. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, visit www.justice.org.uk
5. The Government announced their “root and branch” review of the Parole system on 20 October 2020. For more information, visit <https://www.gov.uk/government/news/government-launches-root-and-branch-review-of-the-parole-system>
6. Please direct queries to Maddy Breen, Membership and Communications Coordinator, at mbreen@justice.org.uk