

## Criminal Justice Alliance response to the 'Future of the Parole Board' consultation paper

### **About the Criminal Justice Alliance**

The Criminal Justice Alliance (formerly the Penal Affairs Consortium) is a coalition of organisations committed to improving the criminal justice system. It has 46 members - including campaigning organisations, voluntary sector service providers, umbrella groups, research institutions, staff associations and trade unions (a full list of members is available at <http://criminaljusticealliance.org/organisations.htm>) - bringing together a wide range of organisations involved in policy and practice across the criminal justice system.<sup>1</sup>

### **Question 1**

*How should the Parole Board's existing jurisdiction, functions and powers be clarified?*

The Criminal Justice Alliance welcomes the opportunity to respond to this consultation. As the consultation paper states, the Parole Board's role has developed considerably since it was established and this review provides an opportunity to ensure that it is best placed to meet the demands placed on it.

The Criminal Justice Alliance is particularly concerned about the rapid growth in the number prisoners serving indeterminate sentences, and the consequent demands placed on the Parole Board. These demands on resources and on expertise should be a central consideration in any changes that are made to the Parole Board's functions and powers.

In order to help meet these demands, the Parole Board should be given the power to order the attendance of witnesses and the provision of reports or other information, to ensure that the Board is able to avoid unnecessary delay in making decisions about the release of prisoners.

It is also essential that the Parole Board operates, and is seen to operate, with impartiality and independence from the executive. To this end, further distance should be put between the Secretary of State and the Parole Board, minimising his or her influence over the membership and activities of the Board. To achieve this, we think that the Parole Board should be placed in the Tribunals Service.

However, alongside a reorganisation of the structure of the Parole Board, it is essential that there is a recognition of the importance of the role of Parole Board and that resources are provided to ensure that it can meet the demands placed on it by the very large number of prisoners who depend on the Parole Board to set the time and terms of their release.

### **Question 2**

*Should there be alternative arrangements, other than judicial review in place to enable parties to proceedings to challenge Parole Board decisions? If so, what might those arrangements be?*

The Parole Board should be designated as part of the Tribunals Service. This would allow appeals to be heard in the upper tribunal, which would be more appropriate than via judicial review.

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<sup>1</sup> Although the Criminal Justice Alliance works closely with its members, this response should not be seen to represent the views of each individual member organisation.

### **Question 3**

*Has the move of sponsorship of the Parole Board within MoJ gone sufficiently far to protect the Board's independence; and does it provide the best means for ensuring the Board's effectiveness and efficiency?*

While the move of the sponsorship of the Parole Board from the National Offender Management Service to the Access to Justice Group was an improvement, in our view it did not go far enough to ensure the Parole Board's independence. We consequently argue that the Parole Board should be incorporated into the Tribunals Service, which would better protect the Parole Board's independence as well as best suit its range of functions.

### **Question 4**

*Do you think sponsorship by either HMCS or the Tribunals Service would provide the appropriate level of independence and sufficient access to judicial resource?*

Sponsorship by either HMCS or the Tribunals Service would provide sufficient independence for the Parole Board, but in our view integration into the Tribunals Service as a new chamber would be a better option. However, the availability of judicial resources remains a concern, although there is nothing to suggest that it would not continue to do so if the Parole Board were sponsored by (or integrated into) HM Courts Service. Instead, HM Courts Service should have a duty placed on it to provide sufficient judicial resources to allow the Parole Board to carry out its work.

### **Question 5**

*In light of your views as to the jurisdiction, function, powers and place which the Board has within the Criminal Justice System, what is the appropriate mechanism for appointing members?*

Members should not be appointed by the Secretary of State. Judicial appointments should be made by the Judicial Appointments Commission. Independent members should be appointed by a fair, open and transparent recruitment process.

The range of expertise represented on the Parole Board should stay as it is now, but efforts should be made to increase the diversity of the membership of the Parole Board, to ensure that it better reflects broader society. In particular, efforts should be made to increase the number of ethnic minority members and younger members of the Parole Board.

### **Question 6**

*What should the tenure arrangements be for members?*

In establishing an appropriate length of tenure, there needs to be a balance between ensuring that members are able to build up sufficient experience and regularly refreshing the membership. In light of the former, we think that the current arrangements (appointment for three years, with the potential of a further three years subject to a positive appraisal) provide too short a tenure. We would therefore suggest an initial period of five years with a second 'term' of three years, subject to satisfactory performance.

### **Question 7**

*In light of your responses to the previous questions, what status should the Parole Board hold within the Criminal Justice System? Should it be a court, tribunal or hold some other status such as its current NDPB status?*

The Parole Board should become part of the Tribunals Service, as a new chamber in the first-tier tribunal and the upper tribunal. This would ensure its independence and best fit with its remit and work.

**Question 8**

*Do you think the type of work dealt with by the Parole Board would be compatible with becoming part of either the Tribunals or Courts structure?*

The work of the Parole Board would be most compatible with becoming part of the tribunals system. There are many similarities between the work of the Parole Board and the work of the mental health jurisdiction of the first-tier tribunal (formerly the Mental Health Review Tribunal). In addition, tribunals already give equal status to judicial and lay members, which is a central requirement of the Parole Board. While the Parole Board would be compatible in some ways with HM Courts Service, there is a risk that the important role of lay members would be damaged.

**Question 9**

*Do you have any alternatives to the above models?*

In our view, the basic model provided by the Parole Board is sound, but can be augmented by incorporating it into the Tribunals Service and by ensuring that it is provided with sufficient resources to operate fully and effectively. Another option, however, which would need careful examination before being taken any further, would be for the sentencing court to function as a review court where an indeterminate sentence has been passed.

**Question 10**

*Do you have any views on the initial impact assessment, including any potential adverse impact on any particular group of people, what steps should be taken to mitigate this, and anything else the full impact assessment should cover?*

A fairer, quicker and more independent parole system should benefit all offenders, and there should not be an unequal impact on any specific group. However, structural changes are likely to affect the membership of the Parole Board and an assessment should be made of the effect that any changes to the appointment and tenure arrangement of Parole Board members will have on the diversity of the membership.

**Criminal Justice Alliance  
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*For further information about this response, please contact Jon Collins, Campaign Director, at [jon.collins@criminaljusticealliance.org](mailto:jon.collins@criminaljusticealliance.org) or on 020 7840 1207 or at Park Place, 10-12 Lawn Lane, London, SW8 1UD.*