PAROLE BOARD REVIEW – PUBLICATION OF REPORTS

Thank you for your letter of 13 February. You raise a number of important points regarding my plans to create a Reconsideration Mechanism for Parole Board decisions and about the Tailored Review of the Parole Board. I hope I can offer the Committee some reassurances about our approach on these matters. I am pleased that you would also like to take up the offer of an informal briefing from my officials which will provide the opportunity to discuss these issues in more depth – and any other aspects of these reforms the Committee may wish to raise.

Reconsideration Mechanism

You were concerned about the proposed application window of 21-calendar days and whether that would allow sufficient time for victims to be notified of a decision and to consider putting in a request for reconsideration to my officials.

I know you appreciate that it is necessary to strike the difficult balance between, on the one hand, ensuring that victims have the time and opportunity to consider and put forward a case for reconsideration where they have concerns that a decision may be seriously flawed, and on the other, the importance of avoiding a new system that creates delays and uncertainty about release for the majority of cases where the decision is sound and reconsideration will not be required. We must avoid the risk of the new mechanism creating unnecessary and disproportionate delays to prisoner releases generally – indeed, this came through strongly from the responses we received to the consultation which called for a proportionate and workable system. For these reasons, which I know you accept, the period for reconsideration applications must be short and time limited.

I believe that 21-calendar days sets the right balance but I agree that we must have efficient processes, timescales and support in place around the new mechanism to make sure that victims are given timely information and can raise their concerns with the Public Protection Casework Section (PPCS) within the application window if they wish.

Key to achieving this will be making sure that all victims who wish to be engaged in the case are identified and provided with information about the process – including the reconsideration mechanism – in advance.
of the Parole Board’s decision. You mention, for example, victims who were not originally listed on the charge sheet and the time it takes to identify them and give them the opportunity to request information under the Victim Contact Scheme (VCS). We have taken measures to make it quicker and easier to opt-in to the VCS, recognising that some victims may decide later in the prisoner’s sentence that they wish to participate in the Scheme; and to widen discretionary contact to a broader range of victims where there has been a conviction and where the offender has been sentenced to a custodial sentence of at least 12 months. Our aim is to offer contact and to provide information about the parole process and how it operates to all eligible victims who may wish to be kept updated. This will include making sure that they are informed about the reconsideration mechanism, how it works and the timescales involved before the Parole Board’s decision is issued so that victims are well prepared and know what to do in advance if they decide to seek reconsideration once they know the outcome. We would not offer contact where there was a not guilty verdict or where no charges were brought unless there were very exceptional circumstances.

Timely communication of the decision to victims will, as you rightly point out, be especially important in the context of reconsideration and the application window. The application period will begin to run at the point the Parole Board issues the decision to the parties – i.e. to the Secretary of State and to the prisoner – and we are progressing work to ensure that the decision is communicated to victims at the same time (subject to their preferred method of communication as agreed with their Victim Liaison Officer). This will allow the maximum amount of time to consider making a request for reconsideration.

There are other measures we are considering as part of our planning for implementation which will also mitigate the concerns about the 21-day application window and allowing sufficient time for applications to be submitted. PPCS will automatically screen all eligible decisions for any indications of a potential flaw that may require an application, irrespective of whether the victim makes representations. This will ensure, and provide reassurance that, all cases are checked as quickly as possible; and if the victim does submit representations it means that PPCS will already have been looking at the case and can quickly take the victim’s views into account when deciding whether to make an application.

We recognise that victims may not be able to make an informed decision about submitting a case for reconsideration until they receive the decision summary, where they have requested one from the Parole Board. The Board are looking to speed up the provision of decision summaries to make sure that victims would have sufficient time to ask for reconsideration once the summary has been received. It may also be possible to identify cases of potential concern early and have a mechanism for summaries in those cases to be fast-tracked. In exceptional circumstances it may be possible to allow an extension to the application window, where it may be in the interests of fairness and justice for the Board to allow a longer period in the particular case. We will look at these possibilities as we develop and put in place the arrangements and processes for implementing the new mechanism.

We will also be putting in place guidance, training, information and other support for Victim Liaison Officers (VLOs) to ensure they are equipped to guide and support victims through the reconsideration process. If a victim believes, even before receiving a decision summary, that the decision may have been seriously flawed, they could ask PPCS to consider whether there may be a case to make an application for reconsideration.

You raise the issue of legal representation for victims and whether they should have access to legal advice in order put a case together for the Secretary of State. Under the model we propose, we will not be asking victims to submit detailed legal argument or lengthy representations. We intend for the process to be as simple and straight-forward as possible for victims and for my officials to undertake the detailed work required to put a reconsideration application together and to make the argument for why a case may meet the threshold. In practical terms as well, my officials have ready access to all the relevant evidence and documentation – and information about the processes and procedure followed in the particular case –
as well as access to legal advice where necessary. They are, therefore, best placed to construct an arguable case to submit to the Parole Board.

We must also bear in mind the time constraints discussed above. An application needs to be made quickly for the mechanism to remain workable, proportionate and lawful. We could not, for example, have a scheme under which all prisoners continue to be detained for long periods after a Parole Board decision to release them in order to allow sufficient time for victims and their legal representatives to be provided with and examine all the relevant evidence and documentation and to put together a legal argument for reconsideration. Our approach ensures that victims will be given the opportunity to express their concerns and invited to say why they think a decision may have been flawed – acknowledging that they will have limited information on which to base this – but it will be for PPCS to examine the detail and put together a fully informed argument where there are grounds to do so. I believe this is the best way to support victims and to ensure they can voice their concerns about a decision without making this too burdensome for them and to keep the mechanism workable.

You urged us to guard against the risk of valid applications not being submitted by PPCS due to lack of time or administrative failings. A new team will be established within PPCS who will be dedicated to operating the reconsideration mechanism on behalf of HMPPS. They will receive training to equip them with the necessary skills and expertise to undertake the work involved – including the screening of all eligible Parole Board decisions to check for indications of flaws or concerns that may give rise to a reconsideration application. They will also be trained to respond sensitively to representations submitted by victims – including providing reasons and information about the approach taken in a particular case. There will be close liaison between this new Team, VLOs and the Parole Board to ensure quick and efficient flow of information; and that applications are submitted on time. I am clear that we must have dedicated and sufficient resource in place to operate the mechanism effectively.

**Tailored Review**

I am grateful for the Committee’s views on the composition of the Tailored Review Challenge Panel. My officials will ensure there is additional external representation on the Panel to further ensure that the views of those who use the parole system are taken into account. We will continue to engage with the Committee as we take forward the Tailored Review and to take on board any further views or suggestions you may have.

I have asked my officials to arrange with the Clerk an informal briefing session at which my officials would be happy to discuss any of the above in more detail and answer any further questions the Committee may have about these reforms.

Yours ever,

[Signature]

RT HON DAVID GAUKE MP