



PC04/2009 – PERFORMANCE TARGETS FOR PAROLE REPORTS

IMPLEMENTATION DATE: Immediate

EXPIRY DATE: April 2012

FOR ACTION: Chairs of Probation Boards/Trusts, Chief Officers/Executives, Secretaries of Probation Boards/Trusts

FOR INFORMATION: Board/Trust Treasurers, Improvement and Development Managers, Directors of Offender Management, Regional Managers – Community Services

CONTAINS MANDATORY ACTIONS

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ATTACHED: Annex A – Resource Impact Assessment

RELEVANT PREVIOUS PROBATION CIRCULARS

N/A

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PURPOSE

- To introduce the Generic Parole Process for all indeterminate prisoners
- To provide guidance on the key dates within the Generic Parole Process
- To introduce a performance target for the completion of reports for all indeterminate cases

The Generic Parole Process is a NOMS lead initiative which covers all parts of NOMS involved in the delivery of the parole process for indeterminate sentenced prisoners. DOM's and other senior managers within the NOMS agency are responsible for supporting this initiative and driving forward its delivery and the performance targets.

MANDATORY ACTIONS

Chief Officers must bring this circular to the attention of all staff with responsibility for the management of life sentenced prisoners (Lifer's) and those sentenced to Imprisonment for Public Protection (IPP's), and ensure that Offender Managers comply with the following mandatory actions:-

- *To be aware of parole review commencement date*
- *To ensure that arrangements are made for interviewing offenders and contributing to the sentence planning process*
- *To complete PAROM1 to the specified standard by Week 18 of the Generic Parole Process and, if not possible, to notify DOM, holding prison and PPCS Case-Manager*
- *To comply with Directions from the Parole Board in the timescale set, as notified by the PPCS Case-Manager.*

Directors of Offender Management will monitor compliance with this instruction as part of their routine oversight of Probation delivery within their regions.

SUMMARY

A National Audit Office (NAO) report "Protecting the Public; The work of the Parole Board", published in February 2008, highlighted significant delays in delivering a timely parole review for indeterminate sentence prisoners. There were a number of factors contributing to the delay, including the late completion of reports which form part of the part of the parole dossier.

One of the key recommendations of the report was:

" From 2009-10, the Ministry of Justice should also introduce a target which covers the entire process of providing information and holding hearings for indeterminate 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"

This recommendation has been accepted and has formed the basis of the new "Generic Parole Process. This circular explains the process and provides guidance on the:

- Generic Parole Process (GPP)
- Relevant targets for report provision in Lifer/IPP cases
- Public Protection Casework Section (PPCS)
- Compliance with directions
- The role of the Offender Manager in the Parole process

The Generic Parole Process

1. The GPP sets out a generic process for all indeterminate offenders eligible for a parole review, whether pre or post tariff. It is divided in 3 stages:
 - 1st - 26 week preparation leading up to the oral hearing listing month;
 - 2nd - Receipt of Parole Board decision within 14 days of the oral hearing
 - 3rd - Release at tariff expiry or consideration of open recommendation if made by the Parole Board, and administration of those processes
2. The Generic Parole Process is set out in PSO xx., a copy of which is attached at Annex xx
3. Offender Managers *must* be aware of the commencement and end dates of the review process and the information for this can be obtained from the relevant Case-Manager at the Public Protection Casework Section (PPCS), or the prison Offender Management Unit. A list of PPCS staff is at Annex A. Offender Managers *must* plan for any necessary interviewing of offenders and attendance at/contribution to sentence plan review (particularly for IPP cases following the implementation of the Offender Management Model Phase III) prior to the completion of their report and ensure it is ready by the required target date for inclusion within the dossier.
4. The prison Offender Management Unit, PPCS and Offender Managers *must* liaise closely ensure that the dates of the review process are known, including the target date for completed reports.

Target Date for report completion

5. Offender Managers *must* complete their report and have it sent to the holding prison of the offender by Week 18 of the GPP i.e. within 8 weeks of the review commencement date. Reports received after this point in the review process will be recorded as having been received outside of the target. The intention is that **all** reports are completed on time but, for the purposes of performance targets, Probation areas are expected to complete and submit 80% of indeterminate parole reports to the prison within the target timescale. The date recorded against the target is the date the report is received by the prison and not the date it is sent. Therefore, Offender Managers will have to allow time for receipt of the report (unless it is being sent electronically, thereby guaranteeing same day receipt by the prison).
6. The Public Protection Unit Database (PPUD) will collate and provide all performance data in respect of the GPP. It is intended that access to the database will be given to all probation areas so that they are able to track progress of cases. Prisons will record the receipt of parole reports onto PPUD. PPCS will collate the performance data and circulate it to areas. There is a new Parole Process Performance Board on which representatives from all the agencies are represented, including the Chief Operating Officer for NOMS. This Board is responsible for monitoring parole performance in respect of all the agencies. Minutes of its meetings and monthly performance reports will be published on the NOMS website.
7. It will, on some occasions, be necessary to provide reports outside of the timetable due to other circumstances such as short tariff cases where reviews may be advanced to meet the needs to ensure a review at tariff expiry. Offender Managers *must*, wherever possible, assist in meeting whatever target dates are set.
8. Where Offender Managers are unable to meet any target for report completion then this should be discussed with their managers to look at possible alternatives and, in every case,

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the reasons for missing the target will need to be supplied to the holding prison and PPCS. The reason/s will be supplied to the Parole Board.

9. Prisons will no longer be able to submit incomplete dossiers to the Parole Board. Late submission of Offender Manager reports will therefore mean that prisons will be unable to submit the parole dossier within target, thereby impacting on the prisons' ability to meet their performance target for parole dossiers submission. The late submission of reports and completion of a parole dossier can result in a prisoner's release being delayed. Such delays, where they are caused by unreasonable administrative delays such as late reports can result in claims for compensation being submitted against the agency responsible for the delay.

Public Protection Casework Section (PPCS)

10. The PPCS has 9 pre-release teams. Each team deals with indeterminate offenders on a regional basis and will have allocated prisons within that region. Case-Managers in the teams have each been allocated specific prisons and are responsible for parole reviews for prisoners within those prisons. Therefore, the Case-Manager allocated to each case will depend upon which establishment the offender is being held in. A contact list of Case-Managers can be found at Annex A.

11. PPCS Case-managers are responsible for:

- Providing a skeleton dossier to establishments;
- Providing advice and guidance to establishment staff in respect of the parole process;
- Overseeing the handling and compliance with Parole Board directions;
- Drafting and submitting a Secretary of State view where appropriate;
- Identifying cases where a Public Protection Advocate is required and allocating the case as appropriate;
- Liaising with victims who wish to submit evidence in person at the hearing;
- Briefing ministers where appropriate;
- Instructing counsel where appropriate;
- Handling any judicial challenges where appropriate;
- Considering recommendations for transfer to open conditions;
- Liaising with offender managers following release decisions and issuing the licence;
- Determining the timing of the next review where release is not directed.

12. Offender Managers *must* contact the allocated Case-Manager to their indeterminate sentence prisoner and the Offender Management Unit of the prison if they have any concerns over the production of their report.

Parole Board Oral Hearings Team

13. The Parole Board Oral Hearings Team is responsible for handling the preparations in respect of an offender's oral hearing. The OH Team is also organised so that its case-managers are responsible for specific prisons. The allocation of OH Team Case-Managers can also be found at Annex?.

14. The Parole Board Oral Hearing Team Case-Manager is responsible for:

- Ensuring that all the essential elements for assessing the risk a prisoner currently presents are contained within a dossier;

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- Placing the dossier before panel members for Directions and notifying the parties of the directions;
- Organising a hearing before a panel of members, liaising with all the relevant third parties in conjunction with the prison; and
- once the hearing is complete the team notifies all the parties and the prison of the Panel's decision.

Compliance with directions

15. The Parole Board has the statutory power to issue directions to both of the parties involved in the parole process for indeterminate offenders (ie the Secretary of State and the prisoner). Compliance with directions is overseen by the relevant PPCS Case-Manager and there are pre-agreed target dates for completion. These directions may include requirements for Offender Managers to attend the oral hearing as a witness and give evidence. Offender Managers may also be required to provide addendums reports on issues such as an update on any release plan, evidence to explain the rationale of the assessments in OASYS, and the opinion of the Offender Supervisor following other risk related behaviour in custody. Such directions can be issued at various stages throughout the GPP.
16. Offender Managers, on behalf of the Secretary of State *must* comply with the directions within the agreed timescale. Exceptionally, and only where any direction is considered to be unreasonable or disproportionate by the Offender Manager and their senior managers, they *must* discuss with the PPCS Case-Manager whether the Case-Manager should submit an application either to vary or revoke the direction. This discussion with PPCS *must* take place at the earliest opportunity. The decision on whether to appeal any direction/s rests with PPCS.
17. In some instances where the information requested by the Board is not readily available, the PPCS will ask the Offender Manager to consider whether there are any alternative sources of information which may assist the Board. Where no alternatives exist the Offender Manager *must* provide PPCS with full reasons why the direction cannot be complied with. It will not be sufficient to argue that the Probation Area does not have the resource to comply with a routine direction for witnesses or additional information. It will be only in the most exceptional cases that PPCS will seek to vary a direction on the grounds that it is disproportionate or unreasonable. Information supporting a request to vary or revoke will be supplied both to the Parole Board and the prisoner's legal representative.
18. Where PPCS submits an application to vary or revoke a direction of the Parole Board the Board's decision is final.

Quality

19. The NAO Report stresses the importance of maintaining the quality of reports whilst improving their timeliness. PAROM1 reports *must* be prepared in accordance with the guidance in the Implementation of Offender Management Model Phase III and National Standards monitored through NSMART. National reviews of parole reports will monitor and report on the quality of those reports to ensure the Parole Board can make fair and reasonable decisions.

Role of Offender Manager in the Parole process

20. Phase III of Offender Management Model was implemented on 7 January 2008. It had major implications for the way that offenders subject to an indeterminate sentence of

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imprisonment for public protection (IPP) are managed during their time in custody. Most of the changes which apply to IPP cases were also applied to Life Sentence prisoners in that the previous Life Sentence Plan system was cancelled and the Phase III processes introduced for all indeterminate sentence prisoners. The only difference was that all Lifers, other than IPPs, are to be managed during the custodial period by a Prison Service Designated Staff Member who completes OASys, sets the sentence plan and reviews and completes an SPR K for the Parole Board, where the Offender Supervisor is not sufficiently qualified or experienced. This report provides the Prison Service view of the risks the prisoner poses whilst the Offender Manager provides the external community based view.

The Offender Manager's Report (PAROM 1)

21. From 7 January 2008, the PAROM 1 replaced previous templates for all parole review reports prepared by offender managers in the community in determinate and indeterminate cases. The content for each section of the PAROM 1 is clearly laid out in the Phase III Implementation Manual.
22. Offender Managers *must* understand their role in the GPP so that Parole reports are provided to the required quality and within the required timescales.
23. In IPP cases:
 - The OM is central to the parole process and in discussion with the offender supervisor agrees which key worker reports should be commissioned for the Parole dossier. They also have a role in deciding in the sentence planning (Parole) review meeting if any additional assessments are required such as psychological or psychiatric reports. The OM should receive copies of all the SPR reports prepared for the Parole dossier. Following the Sentence Planning Review meeting the OM then prepares the PAROM 1. This is an overview of the whole sentence, outlining the original offence and risks posed at the time, indicating and evidencing clearly any progress the offender has made in reducing their risks and summarising what the other staff's views are of the risks the offender poses and OMs own risk assessment.
24. In other Lifer Cases:
 - The Prison Service Designated Staff Member (PSDSM) makes the decisions about which SPR reports should be commissioned for the dossier and requests additional assessment reports following the Sentence planning (Parole) review meeting. The PSDSM completes the SPR K (see Paragraph 20 above) and will provide the details of any adjudications and drug test results. Apart from these details the OM completes the PAROM 1 in the same way as for IPPs.
25. The Offender Manager is the person who will have access to the Probation file covering the whole sentence and is most likely to have provided the most continuity through out the sentence. **As such the PAROM1 is the key document for the Parole Board in summarising all the issues throughout the whole sentence relating to any indeterminate sentence prisoner.**

Probation Resource Impact Assessment Template

A. SCREENING DETAILS

1. Title of Probation Circular (PC) PC04 2009

Performance targets for Parole Reports

2. Notes on the reliability of the costing below and issues for the Operational Policy Group to consider.

The Generic parole process does not require Probation to deliver any additional work over and above what is already being undertaken. It provides for monitoring of performance in relation to the delivery of that work only.

The monitoring of performance will be undertaken by the Public Protection Casework Section.

There are no additional resource implications for this PC.

3. Method

Identification of Task	(a) Additional /Reduced Time to Perform Task (hours)	(b) Number of Times Task Performed Annually Nationally	(c) National Increase /Decrease in Hours (a x b = c)	(d) Hourly Cost (determined by grade of staff) £	(e) National Annual Total Cost/Saving (c x d = e) £
Total for PC					