

# Probation Circular



## PC07/2008 – PAROLE PROCESSES

**IMPLEMENTATION DATE:** 12 May 2008

**EXPIRY DATE:** May 2013

**TO:** Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards

**CC:** Board Treasurers, Improvement and Development Managers

**AUTHORISED BY:** Sharon Robins, NOMS Programme Director

**ATTACHED:** Annex A: PAROM 1 template guidance for completion

Annex B: SPR B template guidance for completion

Annex C: Timelines for completing parole dossiers in indeterminate sentences

Annex D: Grid for report preparation

Annex E: Parole Board Directions

Annex F: Oral Hearings

Annex G: Equality Impact Assessment Form

### RELEVANT PREVIOUS PROBATION CIRCULARS

N/A

### CONTACT FOR ENQUIRIES

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### PURPOSE

- To provide probation areas with information about the revised parole process following the implementation of offender management phase III and the changes to processes and systems for probation and prison staff
- To introduce probation areas to the new template for offender managers to use in preparing all parole reports
- To introduce a revised process for the collation of parole dossiers for indeterminate sentence prisoners
- To ensure that probation staff understand the vital role they play in ensuring that dossiers are available for the Parole Board on time and that reports are completed to the required quality
- To explain the Parole Board's Intensive Case Management (ICM) process for oral hearings

### ACTION

Chief Officers are asked to:

- Draw this circular to the attention of all relevant staff including those working on secondment in prisons and those working in approved premises
- Ensure the appropriate priority and level of resources allocated to this area of work.

### SUMMARY

This probation circular should be read in conjunction with NOMS Implementation Manual for Phase III – Offender Management and Indeterminate Sentence Prisoners - issued in November 07 and PSO 4700 – Chapters 5 & 6 (Parole Board review processes for indeterminate sentence prisoners). These chapters have not yet been updated to account for the changes implemented by OM phase III.

## Background

Phase III of offender management was implemented on 7 January 2008. It has major implications for the way that offenders subject to an indeterminate sentence of imprisonment for public protection (IPP) are managed during their time in custody. Some of the changes which apply to IPP cases are also being applied to Life Sentence prisoners. The main changes to the Parole process were circulated to Probation Areas via a Gateway in December 07 and areas should already be implementing the contents of this circular

Phase III of Offender Management applies to IPPs. Probation areas are required to appoint an offender manager for each IPP sentenced prisoner. The offender manager will be responsible for the sentence planning and review process throughout the sentence and will play a central role in preparing assessment reports for the Parole Board review process. Prisons are required to appoint an Offender Supervisor to each IPP sentenced prisoner, to work in partnership with the Offender Manager. .

For all other life sentence prisoners, prisons are required to appoint a prison service designated staff member responsible for the sentence planning and review process who will liaise closely with the external home area based offender manager.

Phase III introduces new report formats for sentence planning and parole reviews for all indeterminate sentence prisoners. These are to be completed by offender managers, prison staff, including seconded probation officers where they are acting as offender supervisors or prison service designated staff members and key workers. These templates, known as sentence planning and review reports (SPRs), replace the previous Life Sentence Plan 3E reports.

## The Parole Board Review Process

Every indeterminate sentence prisoner has a legal right under Article 5 of the European Convention to have their continued detention reviewed by the Parole Board once the minimum term period has been served and at least every 2 years thereafter. The NOMS pre-release section will notify the prisoner, prison and the offender manager of the relevant dates. The review date in these cases reflects the date the case will be referred to the Parole Board for consideration at a provisional oral hearing. The complete dossier must be disclosed to the prisoner 18 weeks before the date of the provisional hearing set by the board.

Where an indeterminate sentence prisoner has a minimum term of over 3 years, the first Parole Board review will take place well in advance of tariff expiry to consider suitability for open conditions only. This is a non-statutory review and the date of the review in these cases is the date the complete dossier must be disclosed to the prisoner.

Chapters 5 & 6 of the lifer manual (PSO 4700) give further detail about the setting of review dates and the Parole Board review processes.

## Parole Board Review Dossier

Phase III of offender management introduces a revised system for managing the parole process for all prisoners with an indeterminate sentence. It places responsibility for the sentence planning, and review of each IPP prisoner with offender managers. Prisons (public and private) will manage the process for other life sentence prisoners whilst they are in custody.

Under the revised arrangements the information gathering for the Parole Board review process starts from the day of sentence – the pre sentence and post sentence reports are key documents enabling the Parole Board to assess the risks the offender posed at sentence.

The new report format for sentence planning meetings runs throughout an indeterminate sentence prisoner's sentence and SPR reports using the same template are included in the parole dossier at the appropriate time. The offender manager prepares an overview assessment report (PAROM 1) for the parole dossier following a sentence planning review meeting which was convened to inform the parole process.

Sentence planning boards are held annually when the OASys must be reviewed and updated. A full set of reports is required at least every 3 years or earlier if a significant event occurs e.g. a transfer to another prison. All the reports prepared for the three yearly (earlier if required) sentence planning review meetings must be copied to the Pre Release Section, Public Protection Unit, NOMS with the meeting notes. Contact details are in the NAPO Directory. The pre-release section will use these reports at the first Parole Board review, and any other sets of SPR reports prepared during the sentence, to provide the Parole Board with a summary of the prisoner's progress in custody. For any sentence planning meetings before the Parole Board review stage the OM will complete the SPR B.

When the case is due for a Parole Board review the set of current reports outlined below must be prepared. The Pre-Release Section will prepare a skeleton dossier and send this to the prison OMU. The reports should be added to the dossier by the case administrator within the prison OMU.

In advance of a Parole Board review for an IPP, the offender manager must ensure that arrangements are in place to

- Request a full set of SPR reports from relevant parties;
- Hold the parole review meeting;
- Write the PAROM 1 overview report following the sentence planning parole review meeting.

In IPP cases the SPR reports that must be prepared for the sentence planning parole review meeting and which will form part of the parole dossier are requested and collected by the prison offender management unit. These are:

- The offender supervisor SPR C;

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- Key workers SPR D. These are only prepared by staff who are actively working with the offender to reduce any risks
- SPR J – offender

The Parole Board will also want a report from the prison security section if there are any issues to report which need to be taken into account.

- SPR H – security

The following reports will also be prepared if there has been any ongoing contact with the prisoner by staff from these units and/or the offender manager and offender supervisor are of the opinion that these reports will assist the sentence planning and review meeting to formulate proposals for the parole review on the risks the offender currently poses

- SPR F – healthcare
- SPR G – psychiatrist
- SPR E – psychologist report

For all other life sentence prisoners, prisons will provide the same set of reports as above plus an SPR K by a designated staff member where appropriate. The home based offender manager will also provide a PAROM 1

The offender manager and probation case administrator must work closely with the prison offender management unit on all IPPs, as the offender manager has to receive the reports in time to consider them before the sentence planning parole review meeting. Following the detailed discussions at that meeting the offender manager will prepare a PAROM 1.

The Parole Board relies heavily on the contents of the parole dossier in making its decision. The new offender manager report (template PAROM 1) becomes the key document in that dossier. In writing this the OM will draw on a variety of sources, and the SPR reports, to present a comprehensive view of relevant information about the offender, victim information, risk and risk management through out the sentence.

In cases which are to be heard on their tariff date, or for post-tariff reviews, where release is being considered, all the above must be completed at least 18 weeks before the scheduled parole review date. It is at the 18 week stage that the complete set of reports, including the PAROM 1, must be added to the skeleton dossier. The completed dossier must then be sent by the prison, to the prisoner, Parole Board and copied to Pre-Release Section. The prisoner representations should be sent on to the Board and the Pre Release Section within 4 weeks.

In pre-tariff cases where open conditions are being considered, all of the above reports must be completed by the scheduled review date. It is at that stage that the complete set of reports, including the PAROM 1, must be added to the skeleton dossier. The completed dossier must then be sent by the prison to the prisoner. Once he/she has made representations these should be added to the dossier which should be sent to the Parole Board, copied to Pre-Release Section.

## **PAROM 1 – Single Template**

**From 7 January 2008, PAROM 1 (see Annex B) replaces 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 and is also attached as Annex A. This will provide a single, simple system for reporting and enable swifter familiarisation with these requirements.

- When an offender manager uses PAROM 1 for cases not in scope of offender management, s/he may not have access to sufficient information to complete section 9 – Behaviour in Prison - in any detail. In such circumstances the Offender Manager should state that this area will be covered by prison staff reports.

## **Seconded Probation Staff**

The Parole Board expects assessment reports to be prepared by staff who are qualified and experienced in risk assessment and risk management. Both HMPS and the contracted-out prisons have indicated that during the early stages of the implementation of Phase III of Offender Management, wherever possible seconded probation staff will be appointed as Offender Supervisors for IPP prisoners. In this role, seconded probation staff will use the new sentence planning report format SPR C to contribute to sentence planning reviews. Seconded probation staff may also be deployed as the prison service designated staff member in other lifer cases and would then complete SPR K for the sentence planning parole review meeting.

In determinate cases sentenced before the implementation of the Criminal Justice Act (2003) the specification for preparing parole dossiers has not changed; seconded probation staff are expected to complete a report for the Parole Board using the existing seconded PO report template

## **Prison Service Order**

There are two Prison Service Orders covering parole arrangements (PSO 4700 for indeterminate sentence prisoners and PSO 6000 for determinate sentence prisoners) – these will be amended to cover the changes brought in by OM phase III.

## **The Offender Manager's Report (PAROM 1)**

The Offender Manager's overview report to the Parole Board (PAROM 1) should contain:

- An account of the index offence, including the offender's attitude and motivation
- An analysis of any previous offending history, including patterns of offending and the risks of serious harm and of re-offending at the time of the offence
- Any relevant victim information, including subsequent contact by the probation service with the victim
- Relevant information about the personal circumstances of the offender

- Details of interventions engaged during the prison sentence which have addressed both the risk of harm and of re-offending, and an analysis of their impact
- Details of the offender's behaviour in prison, including any adjudications and drug test results
- A current risk assessment, including a summary of different staff views
- An analysis of the evidence from assessment tools which have been used such as OASys, RM 2000 or SARA
- A summary from sentence planning reviews
- Where relevant,<sup>1</sup> a re-settlement and sentence plan which must include an assessment of the risks the offender poses if released now; the key relapse indicators; and a risk management plan. It should include any MAPPA involvement and relevant multi-agency planning undertaken or to be undertaken
- A clear proposal as to suitability for open conditions or release on licence; or the work that needs to be undertaken before such moves could be considered.

## Quality of SPR Reports

### Countersigning

All SPR reports, including probation reports prepared by offender managers using PAROM 1 are to be read and reviewed by a line manager who should ensure that the report follows the guidance, and addresses all the areas outlined in the template in the OM phase III implementation manual.

### N-Smart Returns

Questions about the quality and timeliness of parole reports prepared by offender managers are now included in the n-smart file reading required to provide a range of quantitative and qualitative measurements about probation work. This will provide information by area as well as individual feedback by managers to staff preparing the report, to recognise high-quality reports (including those commended by the Parole Board) and also to identify areas for improvement.

Work is planned to improve the quality of parole reports. Periodic review and monitoring by Parole Board members and staff from NOMS, Prison and Probation services will aim to identify areas for improvement and whether further advice to report writers is necessary. Visits to the Parole Board by probation staff are actively encouraged so that staff can experience the way the Parole Board operates and more easily understand their needs and requirements.

### Training

A new training course entitled Managing Indeterminate Sentences and Risk (MISaR) has been written and will be launched in April 2008. It will be available as a joint training course for prison

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<sup>1</sup> Where it is clear that immediate release is not being considered e.g. in pre-tariff reviews, prisoners subject to Cat A status, or those in Cat B where significant work still has to be undertaken, the home circumstances/release plan element of the report is not required.

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and probation staff covering all indeterminate sentence prisoners. It is designed for modular delivery and will be available to staff with different levels of prior experience.

The Post Release Team in NOMS is preparing a guide to working with indeterminate sentence prisoners after their release. Corresponding training will be rolled out later in 2008. The Post Release Team also make available a training programme on Parole Board oral hearings which has been running since September 2007 on a monthly basis. Day events are held in London; most areas have already commissioned a local event. More details are available from the Post Release Team.

A joint one day training course on offender management for case administrators in both Probation and Prison Services is being rolled out nationally from April 2008. A further training course for case administrators on the parole process is currently being developed.

## Parole Assessment Report - PAROM 1

**Front Page** – Offender details; Sentence; Report writer details; Dates of previous reports.

Please note – if any information included in this report is likely to put the victim or others at risk of harm, then this information must be provided under a separate cover and marked not for disclosure to the offender

**1. SOURCES** - Identify all the sources on which the report is based

**2. RISK SCORES**

Static Risk Scores :

OGRS score: time of sentence	
OGRS score: now	
Risk Matrix: time of sentence	
Risk Matrix: now	

OASys Scores :

OASys risk of re-offending: time of sentence	
OASys risk of re-offending: now	
OASys Risk of Harm level: time of sentence	
OASys Risk of harm level: now	

SPRP Score

Sentence Planning Risk Predictor	
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Any other known Risk score


**3. INDEX OFFENCE**

Provide a detailed account of the Index Offence using all original sources which outline the what, when, where, who and why. Include the offender's attitude at that time to the offence, their motivations, culpability, attitude towards the victim(s) and any remorse

**4. PREVIOUS OFFENDING HISTORY**

Summarise previous offending history – analyse any patterns of offending including any previous offences which directly relate to the behaviours and actions which led to the Index Offence

## **5, ANALYSIS OF RISK OF SERIOUS HARM AND REOFFENDING AT THE TIME OF SENTENCE**

Analyse any relevant risk factors which were identified that made the offender pose a serious risk of harm to others at the time of sentence. What other significant criminogenic factors were identified that contributed to the person committing the offence? What were the offender's personal needs which contributed to any offending behaviour?

### **5. VICTIM INFORMATION**

Provide all information about the victim(s) that was known at the time of the offence - including the views of the victim(s) (or their relatives) about the impact of the offence at the time it happened and afterwards, if known. What contact has taken place with the victim(s) (or their relatives) during the sentence period. If known what are the victim(s) (or their relatives) current views in relation to the original offence and any proposed move to open conditions or release arrangements.

### **6. RELEVANT INFORMATION ABOUT THE OFFENDER**

Describe the personal circumstances of the offender – family background, personal history, past and current relationships . Outline the current situation - relationships, accommodation and employment potential and relate these issues to any risk factors outlined at the time of sentence and their relevance to any current release plans

### **7. INTERVENTIONS TO REDUCE RISKS**

Detail all the interventions and programmes the offender has undertaken to address both the risks of harm and the risks of re-offending that they originally posed. Include attitude, motivation and behaviours of the offender during the sentence and any changes that have been evidenced

### **8. BEHAVIOUR IN PRISON**

Provide an overview of the offender's behaviour throughout the whole of the prison sentence. Include details of the offender's adjudication record, observed wing behaviour and drug testing results. Relate this behaviour to any previous offending behaviour and the index offence. Analyse the impact of this behaviour on potential release plans.

### **9. CURRENT RISK ASSESSMENTS**

#### **A) SERIOUS HARM TO OTHERS**

What are the current risk factors evidenced from the Sentence Planning review meetings and OASys analysis

#### **B) RE-OFFENDING**

What are the current risk of re-offending indicators based on the Sentence Planning review meetings and OASys review

Give your professional opinion in respect of these risks and include reasoning and evidence for your assessment

#### **10 .RESETTLEMENT & SUPERVISION PLAN**

What is the plan for the offender if they are released – accommodation, skills and employment , relationships (including what support will be available to their families if they are returning to live with them, the safeguarding and wellbeing of their children), finances, and what are the plans for supervision

#### **11. RISK MANAGEMENT PLAN**

Detail the agreed plan about how any identified risks are to be managed within the community including any MAPPA involvement.

#### **12. RECOMMENDATION**

Provide a clear proposal as to the suitability of the offender for open conditions or for the release of the offender on licence at this time; or clear reasons why the offender should not be released at this time and the areas that still need to be addressed before the person could be released

#### **13. SIGNATURE AND DATE**

## SPR B PROGRESS REPORT BY OFFENDER MANAGER

HMP / YOI	Progress Report date			
Prison number	Family name			
Forename/s			Security category	

### REPORT TEMPLATE

YOU MUST FAMILIARISE YOURSELF WITH THE OFFENDER'S OFFENCE, OFFENDING HISTORY AND SENTENCE PLANNING OBJECTIVES BEFORE COMPLETING THIS REPORT. CONSULT WITH THE OFFENDER SUPERVISOR IF NECESSARY.

The Sentence Plan Review report provides information from the Offender Manager to the Sentence Planning Review meeting. The report must focus on the offender's progress against their sentence plan with particular emphasis on the offender's risk of serious harm to the public and their risk of re-offending. Risk of re-offending relates to the likelihood of the prisoner committing **any offence** once released into the community. Serious harm is defined as:

**An event which is life-threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible.**

Risk must be assessed on the basis that the offender is to be released into the community immediately. In other words, the fact that the prisoner is in custody should not be a factor in determining risk. The relative levels of risk are described in chapter 8 of the OASys manual

### IF THIS IS A PAROLE REVIEW MEETING YOU MUST PREPARE THE OFFENDER MANAGER PAROLE REPORT USING TEMPLATE - PAROM1

- 1.. **Knowledge of the prisoner**  
State your credentials; how much contact you have with the prisoner, extent of the relationship; basis on which the report is written - formal interview, observed behaviour etc.  
What documents, files or reports have you referred to assist in preparing this report?
2. **Attitude to index offence**  
Has s/he come to terms with the offence, how open is s/he in discussing it?  
Does s/he provide a full and active account of the offence?  
What is his/her attitude to the victim/s, sentence, others involved in the offence and the degree of remorse expressed?
3. **Sentence Plan**  
Describe the offender's response to the overall sentence plan since the date of sentence
4. **External support**  
What sort of relationships does s/he have with family, friends, or other outside contacts?  
What degree of support do these relationships provide?  
Where do their main external contacts live, are there any difficulties in communicating or visiting?  
If this report is for a Parole Review, how do these relationships contribute to the prisoner's release plans?
5. **Reduction in Risk**  
Based on your knowledge of the prisoner, what evidence is there, if any, that s/he has demonstrated a reduction in any serious risk of harm they pose to the public?
6. **Release and resettlement**  
Set out any current release plans, resettlement, employment options, MAPPA involvement and potential supervision and license conditions.  
What victim protection measures may be required?  
What is your assessment of the likelihood of her/him reoffending or causing serious harm to others?
7. **Victims Information**

Are there any confidential victim issues – Any confidential victim information must be submitted in a separate report.

Include in this report any non-confidential victim issues which may affect eventual release and/or resettlement.

8. **Additional information**

Is there any further information or other comments relating to your knowledge of, or contact with, this prisoner that you wish to include?

Name	Sign
Countersign	Sign

## **Parole Process Timetable**

### **Indeterminate Cases**

Figures refer to weeks before hearing

- 26 List of cases and initial notifications issued  
MAPPA high/very high risk prisoner meetings to be convened
- 26 - 19 Prisoner confirms either to go ahead or not.
- 26 - 18 If prisoner confirms to proceed then  
SPR reports prepared.  
For IPP cases reports forwarded to and reviewed by OM  
SPR Parole Review meetings convened and held  
OM completes PAROM 1 and forwards to NOMS pre-release.
- 18 - 13 Prisoner representations added to dossier which has been supplied by  
prison.  
Prison OMU paginate dossier and forward to NOMS pre-release team,  
Parole Board and prisoner representative.
- 13 - 12 Dossier received by Parole Board (latest)
- 12 Dossier reviewed by Parole Board ICM member  
Any Directions issued to be complied with (including any dates Probation  
and other witnesses not available).
- 10 Dossier reassessed by ICM member, if needed  
Late or incomplete cases likely to be deferred
- 8 Hearing scheduled, attendance rota and exact notifications issued
- 6 Dossiers submitted to panel Chair and co-panellists
- 4 Timetable issued to all parties
- 0 Hearing takes place.

# FORMATS TO BE USED FOR PAROLE REPORTS FROM 7<sup>TH</sup> JANUARY 2008 UNTIL FURTHER NOTICE

	Phase II	Phase III (IPPs)	Lifers	Other Parole Cases
<b>Offender Manager</b>	<b>PAROM 1</b>			
<b>Seconded Probation Officer</b>	No change at present - use existing seconded PO template	NO LONGER REQUIRED	NO LONGER REQUIRED	No change at present - use existing seconded PO template
<b>Offender Supervisor</b>	NOT REQUIRED <small>(unless seconded PO is OS then use above template)</small>	SPR (C) <small>(to be completed by prison or seconded probation staff in OS role)</small>	SPR (C)	NOT RELEVANT <small>(no requirement yet to appoint an OS to these cases)</small>
<b>Prison Service Designated Staff Member</b>	NOT RELEVANT	NOT RELEVANT	SPR (K) <small>(completed instead of SPR C by PSDSM when OS insufficiently qualified, skilled or experienced to manage sentence planning)</small>	NOT RELEVANT



For completion by NPS Offender Manager in the community



For completion by prison staff

**SECRETARY OF STATE'S DIRECTIONS TO THE PAROLE BOARD  
UNDER SECTION 32(6) OF THE CRIMINAL JUSTICE ACT 1991**

**RELEASE OF LIFE SENTENCE PRISONERS**

Test - The test to be applied by the Parole Board in satisfying itself that it is no longer necessary for the protection of the public that the prisoner should be confined, is whether the lifer's level of risk to the life and limb of others is considered to be more than minimal.

Before directing a lifer's release under supervision on life licence, the Parole Board must consider: -

- a) all information before it, including any written or oral evidence obtained by the Board;
- b) each case on its merits, without discrimination on any grounds;
- c) whether the release of the lifer is consistent with the general requirements and objectives of supervision in the community, namely;
  - protecting the public by ensuring that their safety would not be placed unacceptably at risk;
  - securing the lifer's successful re-integration into the community.
6. In assessing the level of risk to life and limb presented by a lifer, the Parole Board shall consider the following information, where relevant and where available, before directing the lifer's release, recognising that the weight and relevance attached to particular information may vary according to the circumstances of each case:
  - a) the lifer's background, including the nature, circumstances and pattern of any previous offending;
  - b) the nature and circumstances of the index offence, including any information provided in relation to its impact on the victim or victim's family;
  - c) the trial judge's sentencing comments or report to the Secretary of State, and any probation, medical, or other relevant reports or material prepared for the court;
  - d) whether the lifer has made positive and successful efforts to address the attitudes and behavioural problems which led to the commission of the index offence;
  - e) the nature of any offences against prison discipline committed by the lifer;
  - f) the lifer's attitude and behaviour to other prisoners and staff,
  - g) the category of security in which the lifer is held and any reasons or reports provided by the prison service for such categorisation, particularly in relation to those lifers held in category A conditions of security;
  - h) the lifer's awareness of the impact of the index offence, particularly in relation to the victim or victim's family, and the extent of any demonstrable insight into his /her attitudes and behavioural problems and whether he/she has taken steps to reduce risk through the achievement of life sentence plan targets;

- i) any medical, psychiatric or psychological considerations (particularly if there is a history of mental instability);
  - j) the lifer's response when placed in positions of trust, including any absconds, escapes, past breaches of temporary release or life licence conditions and life licence revocations;
  - k) risk as determined by a validated actuarial risk predictor model, or any other structured assessments of the lifer's risk and treatment needs
  - l) whether the lifer is likely to comply with the conditions attached to his or her life licence and the requirements of supervision, including any additional non-standard conditions;
  - m) any risk to other persons, including the victim, their family and friends.
7. Before directing release on life licence, the Parole Board shall also consider: -
- a) the lifer's relationship with probation staff (in particular the supervising probation officer), and other outside support such as family and friends;
  - b) the content of the resettlement plan and the suitability of the release address;
  - c) the attitude of the local community in cases where it may have a detrimental effect upon compliance;
  - d) representations on behalf of the victim or victim's relatives in relation to licence conditions.

## **TRANSFER TO OPEN CONDITIONS OF LIFE SENTENCE PRISONERS**

### **INTRODUCTION**

1. A period in open conditions is essential for most life sentence prisoners ("lifers"). It allows the testing of areas of concern in conditions that more closely resemble those that the prisoner will encounter in the community often after having spent many years in closed prisons. Lifers have the opportunity to take resettlement leave from open prisons and, more generally, open conditions require them to take more responsibility for their actions.
2. The main facilities, interventions, and resources for addressing and reducing core risk factors exist principally in the closed lifer estate. In this context, the focus in open conditions is to test the efficacy of such core risk reduction work and to address, where possible, any residual aspects of risk.
3. A move to open conditions should be based on a balanced assessment of risk and benefits. However, the Parole Board's emphasis should be on the risk reduction aspect and, in particular, on the need for the lifer to have made significant progress in changing his/her attitudes and tackling behavioural problems in closed conditions, without which a move to open conditions will not generally be considered.

### **DIRECTIONS**

4. Before recommending the transfer of a lifer to open conditions, the Parole Board must consider: -

- all information before it, including any written or oral evidence obtained by the Board;
  - each case on its individual merits without discrimination on any grounds.
5. The Parole Board must take the following main factors into account when evaluating the risks of transfer against the benefits: -
- (a) the extent to which the lifer has made sufficient progress during sentence in addressing and reducing risk to a level consistent with protecting the public from harm, in circumstances where the lifer in open conditions would be in the community, unsupervised, under licensed temporary release;
  - (b) the extent to which the lifer is likely to comply with the conditions of any such form of temporary release;
  - (c) the extent to which the lifer is considered trustworthy enough not to abscond;
  - (d) the extent to which the lifer is likely to derive benefit from being able to address areas of concern and to be tested in a more realistic environment, such as to suggest that a transfer to open conditions is worthwhile at that stage.
6. In assessing risk in such matters, the Parole Board shall consider the following information, where relevant and where available, before recommending the lifer's transfer to open conditions, recognising that the weight and relevance attached to particular information may vary according to the circumstances of each case: -
- (a) the lifer's background, including the nature, circumstances and pattern of any previous offending;
  - (b) the nature and circumstances of the index offence and the reasons for it, including any information provided in relation to its impact on the victim or victim's family;
  - (c) the trial judge's sentencing comments or report to the Secretary of State, and any probation, medical, or other relevant reports or material prepared for the court;
  - (d) whether the lifer has made positive and successful efforts to address the attitudes and behavioural problems which led to the commission of the index offence;
  - (e) the nature of any offences against prison discipline committed by the lifer;
  - (f) the lifer's attitude and behaviour to other prisoners and staff;
  - (g) the category of security in which the lifer is held and any reasons or reports provided by the Prison Service for such categorisation,

particularly in relation to those lifers held in Category A conditions of security;

- (h) the lifer's awareness of the impact of the index offence, particularly in relation to the victim or victim's family, and the extent of any demonstrable insight into his/her attitudes and behavioural problems and whether he/she has taken steps to reduce risk through the achievement of life sentence plan targets;
  - (i) any medical, psychiatric or psychological considerations (particularly if there is a history of mental instability);
  - (j) the lifer's response when placed in positions of trust, including any outside activities and any escorted absences from closed prisons;
  - (k) any indication of predicted risk as determined by a validated actuarial risk predictor model or any other structured assessment of the lifer's risk and treatment needs.
7. Before recommending transfer to open conditions, the Parole Board shall also consider the lifer's relationship with the Probation Service (in particular the supervising probation officer), and other outside support such as family and friends.

## ORAL HEARINGS

At present there is an entitlement to an oral hearing which happens automatically for three types of indeterminate sentence prisoner:

1. on tariff
2. post tariff
3. recalled lifers

However new Parole Board rules, due to be implemented in early 2008, will change this so that **all** prisoners who wish to have an oral hearing **must apply** if the Parole Board do not progress the case to an oral hearing.

All oral hearings are now subject to an intensive case management (ICM) process, designed by the Parole Board to reduce the number of deferred hearings, and to ensure the quality of information available to panel members. If a prisoner applies for a parole hearing, the complete dossier must be disclosed to the prisoner and copied to the Parole Board in indeterminate cases, 18 weeks before the planned hearing. The prisoner then has 28 days to add any representations. The complete dossier will then be assessed by an ICM Parole Board member. The ICM member will then do one of four things:

- If the case is considered ready for the hearing no Directions will be issued, other than requesting witnesses, and the case will be given an exact date for the hearing;
- If the case needs more information or other issues clarified then the member will issue Directions which will need to be complied with before the case can be given an exact date for the hearing;
- If the case needs a significant amount of additional information or reports, which will most likely not be ready in time for the provisional month of hearing, the member will defer the case to allow enough time for complex Directions to be complied with;
- If the dossier is complete and the ICM member is of the view that the prisoner should not progress to open conditions or be released a notification will be sent out accordingly. Under the current process, the prisoner may appeal the notification and request that the case proceeds to an oral hearing if he/she wishes.

The ICM member will normally refer the case to an oral hearing in complex cases or where open conditions/release is a possibility.

If the dossier is incomplete or missing 13 weeks before the provisional date of the hearing, the Parole Board will issue a set of standard Directions requesting that the dossier be supplied as a matter of urgency. If the dossier is not submitted urgently then the risk of the case being deferred is significantly increased.

If the complete dossier has not been received 12 weeks before the hearing, the case will most likely be deferred by the Parole Board.

All cases considered ready for hearing will be given an exact date approximately 10 weeks in advance of the provisional month of hearing.

Parole Board Directions issued in individual cases will request availability of probation and other witnesses and of any specific information which is required for

the hearing. This will be taken into account when setting the exact date of the hearing. (see timelines in Appendix 1).

Probation staff are normally expected to attend oral hearings where release, recall and transfer to open conditions are being considered. They must always ensure that they attend oral hearings with:

- any useful, relevant information from case files, including a print out of the contact record, in case supplementary information is required.
- the supervising officer's view of relapse indicators and the way these will be monitored and dealt with.
- full details of the risk management plan
- a credible and robust release plan for the board to make its final decision on release.

Appropriate licence conditions for indeterminate sentence prisoners should be specified and, where appropriate, these should reflect the wishes of the victim(s). Guidance on licence conditions is set out in probation circular 29/2007. They should support and underpin the activities identified in the resettlement plan and address the risks posed by the prisoner. Where the proposal is for a licence condition for either

- an assessment for suitability for a particular intervention only,
- or for the **potential** for offending behaviour work,

OMs should recommend the generally worded licence condition for the offender to address their particular risk area in line with whatever requirements given by the OMs rather than by a named intervention. The request for licence conditions to address specific work on the particular risk can be added to the licence at a later stage if necessary, by contacting the Post-Release Team, Public Protection Unit, NOMS.



## **Equality Impact Assessment**

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report

<b>EQUALITY IMPACT ASSESSMENT</b>
Ministry of Justice
Performance and Improvement
Offender Management Unit

**PRELIMINARY SCREENING**

<b>Date of Screening</b>	December 07
<b>Name of Policy Writer</b>	Joe Woods
<b>Director General</b>	

PC07/2008 – Parole Processes	√	<b>This is a new policy</b>
		This is a <b>change</b> to an existing policy
		This is an <b>existing</b> policy

<b>Policy Aims, Objectives &amp; Projected Outcomes</b>
<ul style="list-style-type: none"> <li>To provide probation areas with guidance on the parole process following the implementation of offender management phase III and the changes to processes and systems for probation and prison staff</li> </ul>

Will the policy have an impact on national or local people/staff?	YES
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy	NO
Are there any aspects of the policy that could contribute to equality or inequality?	YES
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	NO
If this is an amendment of an existing policy, was the original policy impact assessed?	N/A

If your answer to any of these questions is **YES**, go on to the full EIA.

If you have answered **NO to any particular questions**, please provide explanatory evidence.

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

**“This policy was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “**



## FULL IMPACT ASSESSMENT

### STATISTICS & RESEARCH

#### What relevant quantitative & qualitative data do you have in relation to this policy?

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy area.

<b>Equality Target Areas</b>	<b>How does the data identify potential or known positive impacts?</b>  <b>How does the data identify any potential or known adverse impacts?</b>
<b>Race</b> (consider e.g. nationalities, Gypsies, Travellers, languages)	None
<b>Disability</b> (consider social access and physical access)	None
<b>Gender</b>	None
<b>Gender Identity</b>	None
<b>Religion and Belief</b>	None
<b>Sexual Orientation</b>	None
<b>Age</b>	None

<b>What research have you considered commissioning to fill any data gaps?</b>
For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy. N.B Include any recommendations in your action plan
None – this Policy change provides guidance to staff on how to implement new processes

<b>Who are the stakeholders, community groups, staff or customers for this policy area?</b>
Probation staff predominantly, prison staff, Parole Board members, prisoners, prisoners families

<b>What are the overall trends and patterns in this qualitative &amp; quantitative data?</b>
Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.
The new circular emphasises the need for a level of quality in report writing which should provide equality. The process is to provide the Parole Board with information to base its decisions on release of indeterminate sentence prisoners. It should help ensure the PB address risks posed by each offender in a proportionate manner and reduce a risk averse culture

<b>Please list the specific equality issues that may need to be addressed through consultation (and further research)?</b>
Ensuring equality in the parole process to all prisoners

## GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

**INTERNAL STAKEHOLDER ENGAGEMENT:** Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

<b>Does this policy affect the experiences of staff? How? What are their concerns?</b>	
<b>Staff</b>	Probation staff
<b>Staff Networks &amp; Associations</b>	
<b>Trade Unions</b>	

**How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other public policies and services?**

For example your policy may affect access to housing, education, health, employment services.

NOMS departments – OM team, Public Protection Unit, Pre and post release sections, OASys team, Probation provider forum, Prison service business change support team, the Parole Board, MOJ advisor, NAPO, NAAPS, ABPO

**What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?**

A new policy which has an impact on probation staff more so than specific groups of offenders. Obvious implications relate to resources and will require more staff time to prepare and complete, greater involvement/time throughout sentence with SPR boards/reports

Positive impacts as a result of the PC will be better informed staff and greater consistency of practice, increased quality of information and risk assessments to the Parole Board leading to well informed decisions on risk and public protection

Potential to analyse differential impact of new processes on women prisoners and numbers obtaining release on parole. Similarly any differentiation between prisoners of different ethnic backgrounds

**Feedback the results of this internal consultation and use it as a basis for work on external consultation**

## **EXTERNAL CONSULTATION & INVOLVEMENT –**

**None**

<b>How did your engagement exercise highlight positive and negative impacts on different communities?</b>	
<b>Voluntary Organisations</b>	N/A
<b>Race</b>	No immediate impact – potential to compare PB decisions on different ethnic groups pre and post circular
<b>Faith</b>	No impact
<b>Disability Rights</b>	No impact
<b>Gender</b>	No immediate impact – potential to compare PB decisions on gender groups pre and post circular
<b>Gender Identity</b>	No impact
<b>Sexual Orientation</b>	No impact
<b>Age</b>	No impact

**Feedback the results of your community engagement (i.e. involvement and consultation) to all participants including internal and external stakeholders**

## ASSESSMENT & ANALYSIS

**Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.**

NO

**What were the main findings of the engagement exercise and what weight should they carry?**

Review of the resource implications for Probation staff

Analyse the results of PB decisions over a period of time to ascertain any difference in decision making based on race and gender

**Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?**

NO

**How does the policy promote equality of opportunity?**

It provides a better balanced flow of information to the Parole Board via a new review process and new set of reports which should provide a equal opportunity for all prisoners to obtain release from prison on supervised licences in the community

**How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?**

N/A

**How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?**

N/A

**Are there any concerns from data gathering, consultation and analysis that have not been taken on board?**

Please justify and explain the reason for your decision.

NO

## ENSURING ACCESS TO INFORMATION

**How can you ensure that information used for this EIA is readily available in the future?**

(N.B. You will need to include this in your action plan)

- N/A

**How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?**

(N.B. You will need to include this in your action plan)

- Feedback from Probation areas via the provider Forum
- Early review of the impact of changes by visits to prisons
- Review costings for resource provision after 6 months of implementation of new system via staff time survey
- Quality monitoring exercise on a 6 month basis involving key stakeholders
- Stocktake exercise during 2009 on the impact of phase III
- Comparative study with the PB on release decisions before and after implementation of phase III Parole dossiers

**How will you monitor this policy to ensure that the policy delivers the equality commitments required?**

(N.B. You will need to include this in your action plan)

- Review the circular after 12 months

**Now submit your EIA and related evidence to the Equality & Diversity Unit for quality assurance and clearance.**

## ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Comparative study with the PB on release decisions	OMU and PB	Compare decision data	If release on Parole increases	July 2009	
Publication Arrangements	OMU	Publish with PC		April 2008	
Stocktake exercise during 2009 on the impact of phase III	OMU	Audit of parole arrangements as part of overall audit	Positive feedback	October 2009	
Feedback from Probation areas via the provider Forum	OMU and PrOMPT	Agenda item on forum meeting	Positive response	BI-monthly	
Early review of the impact of changes by visits to prisons	OMU	Visits to prisons using pro forma	Positive feedback	Completed by July 2008	2 visits completed; one arranged, 3 more to schedule
Review costings for resource provision	OMU	Time survey	Outcome of real costs in resource time	January 2009	
Quality monitoring exercise involving key stakeholders	OMU, PPU, Probation, Prison and Parole Board	6 monthly case reviews	PB satisfaction with dossiers and feedback to authors	September 08	Planning meetings held and outline plan prepared

**Please ensure that the action plan is agreed by your Director/ Minister**

## **THE EQUALITY IMPACT ASSESSMENT REPORT**

The EIA report is a concise summary of the results of your EIA work. You should ensure that you cover the topics described below.

### **Background:**

- Context of policy/programme
- Link to strategic aims and objectives
- Scope of the EIA work (e.g. if linked to previous EIA or work delivered by another Government Department)

### **Methodology:**

- Approach to data collection and analysis
- Results of consideration of existing evidence

### **Consultation & Involvement:**

- Stakeholder/community involvement in developing proposals
- List of organisations engaged (optional)

### **Assessment & analysis**

- Key Findings from the data collection and community engagement
  - Positive impacts: existing or potential
  - Adverse impacts: existing or potential

### **Recommendations**

- Describe how you will respond to the key findings by:
  - strengthening the potential for positive impact,
  - removing areas that may exacerbate or engender adverse impact
  - including measures to mitigate any adverse impact that may occur
  - including measures that ensure ongoing compliance with statutory obligations
  - monitoring arrangements
  - ensuring continued public access to information about the policy/programme.
  - action plan (optional)

### **Date of EIA Report**

### **Date of Publication of Results**

**Ensure that the EIA Report is published on the NOMS/ MoJ website before your policy/programme is implemented.**