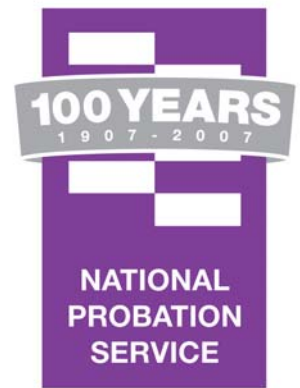


Probation Circular



PC26/2007 – DISCLOSURE AND INFORMATION SHARING TO INFORM PAROLE BOARD DECISIONS ON RELEASE AND RECALL

IMPLEMENTATION DATE: 1 August 2007

EXPIRY DATE: July 2010

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

CC: Board Treasurers, Regional Managers

AUTHORISED BY: Gordon Davison, Head of Public Protection and Licensed Release Unit

ATTACHED: Annex A: Application for non-disclosure template

Annex B: Parole Board Rules 2004

Annex C: Equality Impact Assessment

RELEVANT PREVIOUS PROBATION CIRCULARS

PC13/2003, PC28/2003, PC54/2004 & PC76/2005

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PURPOSE

To issue new guidance, replacing PC13/2003, and clarify existing practice to Probation Areas regarding:

- The disclosure and withholding of information relevant to the release and recall of offenders.
- The sharing of information to inform Parole Board decisions.

To clarify the issues relating to the disclosure of offender's information to third parties such as victims.

ACTION

Chief Officers should ensure that this Circular is drawn to the attention of all relevant staff and the instructions in this PC are implemented.

SUMMARY

This Circular is to ensure clear communication and information sharing on offenders between Areas and the Parole Board. The policies and processes for the disclosure and withholding of information provided to NOMS in respect of determinate and indeterminate sentence prisoners at key stages of sentence, including temporary release, escorted absence, release, recall and re-release are explained in this Circular.

Introduction

1. Sharing information relevant to the decisions of release, recall or re-release of offenders is an essential part of helping to deliver accurate and complete information about risk matters to the Parole Board. Offender managers play a key role in ensuring that all concerns are exposed and explored in a fair, transparent and lawful manner. It is therefore important to understand issues and legislation surrounding the control and confidentiality of information. The guidance in this Circular clarifies those issues and procedures.
2. This circular also updates previous guidance in PC13/2003 in the light of the creation of the National Offender Management Service (NOMS) and the roll out of the Offender Management Model advancing co-operation between prison, probation and outside agencies to ensure effective end-to-end management of offenders. A new Public Protection Advocacy team has also been formed in NOMS to strengthen the advocacy of victim and public protection concerns at Parole Board oral hearings. The advocates are employed by NOMS and will be responsible for preparing and presenting the Secretary of State's view on whether the offender should be released. For the first time, advocates will also be responsible for presenting concerns and explaining the impact release would have on the victim. A forthcoming circular will be issued once the new advocacy arrangements have been finalised; this will set out the roles and responsibilities in relation to existing contact work and that of the Public Protection Advocacy team.
3. The protection of the public and the rights of offenders to privacy must not undermine effective public protection work. That said it is important that offenders and third parties (particularly victims) are confident that their personal data is kept safe and secure and will be disclosed in accordance with the law. The strengthening of individuals' rights to privacy and the legislative framework, provided by the Data Protection and Human Rights Acts, offer a robust statutory framework to maintain individuals' rights whilst sharing information to deliver informed decision-making and effective public protection.
4. The principles in this guidance not only ensure compliance with the law but also promote trust between agencies and professional integrity. Whilst decisions in relation to disclosure need to be made consistently, each case must be considered on a case by case basis ensuring that the potential benefits of doing so are not outweighed by the risks of doing so.

General principles

5. In order to comply with requirements imposed by the DPA, ECHR and common law of confidentiality, information sharing must:
 - a) Be necessary for the purpose of properly assessing and managing the risks of serious harm and likelihood of reconviction identified through the completion of OASys. The Parole Board should have available as much information as possible that is pertinent to risk that can be safely disclosed to the offender in respect of their release, recall or re-release.
 - b) Be proportionate i.e. the management and assessment of the risk of serious harm and likelihood of reconviction posed by the offender could not be effectively achieved other than by sharing of the information in question.
 - c) Be done safely and securely.
 - d) Be done in a way that is accountable by ensuring that those responsible for decisions as to whether or not information is shared, and the capacity in which they are working, are identifiable.

6. Offender managers should be mindful and comply with article 8 ECHR right to privacy and with the fifth DPA principle which provides that once obtained or exchanged information shall not be kept for longer than is necessary and proportionate.

Roles and responsibilities

7. For all types of Parole Board reviews, the **Probation Service** will be asked to provide a report informed by an up to date OASys outlining the assessment of the risk of serious harm and likelihood of reoffending that an offender would pose if released and either a recommendation on release, a request for recall or a request for additional licence conditions. In the case of Home Detention Curfew (HDC) or Release on Temporary Licence (ROTL), a home circumstances report will be submitted to the prison. As a result of the new arrangements for Public Protection Advocacy, victims will also be able to submit a Victim Personal Statement (VPS) which the Parole Board will take into account as part of its overall consideration of the offender's case.
8. In line with the statutory duty established by the Criminal Justice and Courts Services Act 2000, as extended by the Domestic Violence, Crime and Victims Act 2004, the Probation Service must also:
 - make timely contact with the victims of violent and sexual offenders sentenced to imprisonment for 12 months or more with an offer to provide them with information during the offender's sentence;
 - provide a Victim Liaison Officer (VLO) to work with victims who have opted to take up the offer of contact with the probation service, and to keep the victim informed of the progress of the offender through key stages of the sentence;
 - establish whether the victim wants to make representations about the licence conditions and supervision arrangements to which the offender will be subject on their release, and to forward such representations to the Parole Board for consideration;
 - forward any requests that information from the victim statement is protected from disclosure to the offender;
 - share any supporting information from other third parties, where it is appropriate and relevant to risk to inform the Parole Board (e.g. witness statements or police charge sheets).
9. Acting on behalf of the Secretary of State, the NOMS **Pre Release Section** deals with all pre release parole review casework for determinate and indeterminate sentence offenders. The NOMS **Post Release Section** deals with all post release (including recall) casework for all determinate and indeterminate sentenced offenders (including those on Home Detention Curfews) and licence variations. Within Pre and Post Release Sections, the **Public Protection Advocacy team** strengthens the advocacy of victim and public protection concerns at all Parole Board oral hearings, and presents the Secretary of State's view and any victim's concerns on the offender's release.
10. The Public Protection Advocacy team:
 - Deals with queries regarding the disclosure and handling of sensitive information at oral hearings;
 - Forwards requests for non-disclosure of information at oral hearings, other than

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indeterminate and determinate parole reviews, to the Parole Board.

11. On behalf of the Secretary of State, the **Prison Service Governor** (or controller of privately managed prisons) is responsible for the custody of the offender while in prison, for providing interventions informed by OASys which seek to reduce the risk of serious harm and likelihood of reconviction posed by the offender, and for contributing to the risk assessments considered by the Parole Board. The Governor is also responsible for the release of offenders on HDC and ROTL, recall of offenders from ROTL, and standard additional licence conditions of determinate sentenced offenders other than prisoners serving sentences of 4 years and over and who were sentenced under the provisions of the Criminal Justice Act 1991 in which case additional conditions are approved by the Parole Board.
12. The Governor (or controller) must ensure that:
 - Appropriate arrangements are in place for dealing with requests for non-disclosure, and that such information is stored securely and appropriately in the OASys section "Information that Cannot be Disclosed to the Offender".
 - Any information to be withheld, including anything stored in the confidential section of OASys, has been checked against the withholding criteria (see paragraph 18 below) and Prison Service Orders 6000 and 4700.
 - The dossier of reports in respect of parole cases is disclosed to the offender unless information has to be withheld on the authority of the Governor or the offender manager. The Governor will decide on the disclosure of Prison Service information including security intelligence and the offender manager will decide on disclosure in respect of information from the Probation Service. In all other non parole cases, i.e. recall and indeterminate pre release reviews, the Post Release Section or Pre Release Section will disclose the dossier.
13. The **Parole Board** is an independent Executive Non Departmental Public Body established by statute. It is responsible for: deciding the release of tariff-expired indeterminate sentence offenders, the release of offenders serving discretionary conditional release (DCR) sentences (i.e. more than 4 years but under 15 years under the provisions of the Criminal Justice Act 1991 and making recommendations in respect of those serving 15 years and over); assessing whether to uphold decisions on the recall of indeterminate sentence offenders from licence; and reviewing the recall decision and determining the re-release of all recalled determinate sentence prisoners. It also advises on when an offender should be moved from closed to open prison conditions, and determines the conditions to be included within the licences of those released from a DCR or indeterminate sentence. It is therefore vital to the protection of the public that the Parole Board has before it all relevant information pertaining to risk of serious harm and likelihood of reconviction based on a recent OASys assessment which can be disclosed without threatening another legitimate interest of competing importance.
14. When deciding on whether to release or considering the appropriateness of the recall of an offender, the Parole Board must:
 - Consider risk of serious harm and likelihood of reconviction based on a recent OASys.
 - Consider the victim's representations about the licence conditions to which the offender will be subject on release, and where appropriate ensure that they are reflected in the conditions that are imposed. The Parole Board may provide reasoning to the Secretary of State if the victim's requests are not upheld.

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- Take into account Victim Personal Statements as part of its overall consideration of the offender's case. It is for the Board to determine how much weight it attaches to such statements.
 - Consider whether to grant applications made by offender managers or prison governors not to disclose information, including applications under Rule 6 (2) of the Parole Board Rules.
15. The Parole Board is not bound by the normal rules of evidence when making decisions about release, recall or licence conditions. Sitting as a court-like body, it may receive in evidence documents or information that may otherwise be inadmissible in a court of law. It may also receive hearsay evidence and opinion, and apply the civil test of the balance of probabilities. The Parole Board is likely to place more weight on reports informed by OASys that are objective and supported by clear evidence. In some cases it will be hard or impossible for the decision-maker to reach a realistic view about risk without the disclosure of all available documentary evidence to which the Probation Service or prisons are privy. Failure to share such information can result, for example, in an inappropriate release decision or the failure to impose essential licence conditions.

The obligation to disclose and grounds upon which information can be withheld

16. In parole cases, offender managers can apply to the prison governor/controller or Pre Release Section (who are able to make decisions on disclosure on behalf of the Secretary of State) requesting non-disclosure of certain information. Although there is no formal right of appeal against the Secretary of State's decision by the prisoner or his legal representative, any representations made must be taken into account.
17. For all other cases, i.e. reviews of a tariff expired indeterminate sentence offender being considered for release, or in the case of the recall of a determinate or indeterminate sentence offender, the process for withholding material from an offender is formally set out in the Parole Board Rules 2004 and in PSO6000. Rule 6(1) of the Rules provides that certain specified reports must be disclosed along with any other information that the Secretary of State considers to be "relevant" to the case.
18. In the interests of fairness, the **presumption must always be in favour of disclosing** all information available in relation to an offender's release or recall to the offender. However, under Rule 6(2) and paragraph 5.16 of PSO6000, certain information may be withheld in exceptional cases provided that it is necessary and proportionate to do so, having regard to one or more of the following;
- a) Interests of national security
 - b) Prevention of crime and disorder
 - c) Protection of information, disclosure of which may endanger safety or physical or mental health of anyone
 - d) Medical or psychiatric grounds where mental and/or physical health of the offender could be impaired
 - e) Where source of the information is a victim, disclosure of the information without consent would breach confidence, and prejudice future supply of such information.

Ways of disclosure

19. In practice, the withholding of information should be the exception rather than the rule, and in most cases it should be possible for offender managers to present information in an

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alternative way, without jeopardising either the safety of an individual or source of information. If information in a report informed by OASys to the Parole Board cannot be disclosed, then initial consideration should be given as to whether the material is critical to the Parole Board's assessment of risk the offender poses. If it is not considered critical to risk assessment but merely background information that is already documented elsewhere, in most circumstances, offender managers should not include the information in the dossier going to the Parole Board. However this does not apply to victim representations, which must always be included in information going to the Board, irrespective of whether they can be disclosed to the offender.

20. The offender manager is responsible for sharing risk of serious harm and likelihood of reconviction information based on a recent OASys with the Parole Board. Once information has been assessed as relevant, in deciding what course to adopt, the offender manager should consider the following:

- a) **If it is not sensitive**, provide the material as it stands, with **full disclosure** to the offender. This is the preferred option since it allows a full and open discussion of the material by the Parole Board. If the offender manager is content for the material to be disclosed in full to the offender, it should be attached to or incorporated within the report, to be submitted. The governor will disclose this material to the offender before any decisions are taken about the offender's release, or licence conditions, to enable the offender to make representations.
- b) If there is material which cannot be disclosed for any of the reasons set out above, consider whether that material could be edited so that a **sanitised version** can be produced. A sanitised version would exclude information which is sensitive so that in the interest of fairness to the offender the relevant non-sensitive material can be safely disclosed. The original material would then be made available to the Parole Board and/or Secretary of State. This will allow a sharing of information with the offender which still makes clear the degree of risk, and which allows the offender the opportunity to make representations. The source of the material (MAPPP, Victim Liaison Officer Etc.) can be made clear or the report may simply attribute it to the Offender Manager if preferred.
- c) **If it is sensitive**, consider whether a **gist (i.e. generalised version of the material that omits specific sensitive details)** of the material can be produced for disclosure to the offender, with both the gist and full version being made available to the Parole Board and the Secretary of State. If it is decided that the information is to be withheld from the offender because it meets the criteria for non-disclosure (at paragraph 18), but only part of the document merits withholding, consideration must be given to whether the document could be re-written to exclude the section that is not for disclosure in the form of a gist, and so allow the remainder of the document to be disclosed. Any decision on re-writing such documents should be made in consultation with the author responsible for submitting the material.
- d) If it is not possible to produce a sanitised version of the report or a gist, again consider whether it meets the criteria for **full non-disclosure** set out in paragraph 18 above.

Non-disclosure

21. In the event of any information being withheld from an offender, whether it be through

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providing a sanitised version of a report informed by OASys, or by simply withholding the entire report as in c) and d) above the following process needs to be undertaken:

- If there is information available that should be shared with the Parole Board or Secretary of State but should not be disclosed to the offender, the offender manager should complete the proforma at Annex A, stating clearly the criterion relied upon and the reasons for believing that its disclosure would have that effect.
 - The reasons should clearly and concisely express the concerns, including how the disclosure of information in any form might compromise one of the five interests in paragraph 18 (or, for an oral hearing, the Parole Board Rules test in paragraph 6(2) below). This will ensure that the Parole Board has all the available information to hand when deciding whether, in the interest of natural justice, the information (in full or limited form) should be disclosed.
 - The top of each page of the non-disclosable document should be clearly marked in capitals in red ink 'NOT FOR DISCLOSURE – AGREED BY OFFENDER MANAGER'
 - Forward the non-disclosable material together with the Annex A proforma to the holding prison establishment for serving to the Parole Board or to the Post Release Section where appropriate.
22. In the case of a Parole Board Discretionary Conditional Release review on the papers, the prison will withhold the information the offender manager has deemed should not be disclosed from the dossier presented to the offender and his/her legal representative, although the documentation will be attached to the dossier sent to the Parole Board. However, the offender will be advised that there is information which has been withheld.
23. In recall cases, offender managers should be aware that the recall report and the OASys risk management plan will be disclosed to the offender's legal representative. Any information they wish to withhold from the offender should be submitted under separate cover. The assumption will be that all information will be disclosed unless separated in this way.
24. In those cases where it falls to the Parole Board to decide whether the information should be withheld from the offender it will be the Parole Board panel chair who will consider the reasons given for withholding the information. They will issue a direction under Rule 8 (2)(d) stating whether the request to withhold information meets the criteria. Where the panel chair directs that the application to withhold information does not meet the criteria, the Parole Board will notify the Post Release Section or the prison governor in pre release cases, whose staff will contact the offender manager and discuss whether the undisclosed information should be disclosed or, in exceptional circumstances, whether it should be withdrawn entirely. **No information will be disclosed to the offender without the agreement of the offender manager, even if this means that it may have to be withdrawn. Such information will be recorded in the OASys section "Information that Cannot be Disclosed to the Offender".**
25. Where the Parole Board has accepted a request from the Secretary of State to withhold information under Rule 6 (2), **that information must unless the Board directs otherwise be disclosed to his or her legal representative, subject to the undertaking that he or she will not disclose it further** without permission from the Secretary of State in accordance with Rule 6 (3). This Rule requires that material withheld from the prisoner is to be disclosed to his representative, provided that representative is either:

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- A barrister or solicitor; or
- A registered medical practitioner; or
- A person whom the chair directs is suitable by virtue of his/her experience or professional qualification.

It is required by this Rule that the representative shall not disclose the material to the offender either directly or indirectly.

26. Where information is withheld from the offender under Rule 6(2), it need not be disclosed to the purported legal representative if that person is not one identified in Rule 6(3), unless the Board directs otherwise. In any other case, there may be scope for withholding material from an authorised representative **but only if the Board directs it**. The general rule is that, in the absence of any such direction it must be disclosed to the legal representative. For example, the disclosure of information which would be likely to put an individual, such as a covert human intelligence source, or victim, at risk may be covered. The offender manager may be able to make out a case for information that might undermine a specific police operation the failure of which would put individuals at risk. In the first instance advice should be sought from the Pre and Post Release Sections or the Public Protection Advocacy Team. Rule 6 (3) does not apply to parole cases where there is no obligation to share material with the representative.
27. Where the Parole Board makes a direction to withhold material under Rule 6 (2), the offender (through his legal representative) has a right of appeal to the Chairman of the Parole Board against the panel chair's direction. It must be made in writing within 7 days of receiving that direction under Rule 8 (2)(d). Equally, if the panel chair directs that the information should be disclosed the Secretary of State may also make representations to the Parole Board Chairman, whose decision is final.
28. Offender managers attending oral hearings as a witness should be aware that the offender's representative (who will have sight of all the material) can ask questions about the evidence at the hearing. If questions are to be asked about material which has been withheld from the offender a request can be made for the offender to be excluded from that part of the hearing. If at any time it becomes necessary to share information which has not already been shared in written form, and which is not for disclosure to the offender, the panel chairperson can be asked to exclude the offender from the hearing.

Information from victims

29. In discussing with victims the options for presenting their views, VLOs **must ensure** that:

- they explain to victims that non-disclosure of sensitive material to the offender **cannot always be guaranteed**; and
- victims fully understand the implications of their decisions when choosing which option for presenting their information they wish to pursue.

30. Offender managers will need to ensure that evidence is provided on the Annex A template in support of a non-disclosure request. VLOs and Offender managers will also wish to note that there may be future legal challenges to the policies surrounding non-disclosure of victims' views which make it all the more important that victims are not given potentially misleading information.

31. Disclosure of specific information to victims about individual offenders such as dates of

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hearings or exact dates of release may take place only in exceptional circumstances after careful evaluation of the relevant legal considerations and the requirements to safeguard all parties.

Information from MAPPA meetings

32. Where MAPPA records are held on Probation Service systems they are subject to the provisions of the DPA and therefore open to application by the offender for disclosure. They are also subject to the general presumption of full disclosure and may In the event that the Parole Board issues a direction for disclosure of the MAPPP minutes, the offender manager should refer to the Chair of the meeting to request the information. The MAPPA Responsible Authority (police, prison and probation services) have a statutory duty to establish arrangements for sharing relevant risk assessment information. Where appropriate, assessments of risk arising from MAPPPs that have informed risk management plans should, where appropriate and pertinent to the risk the offender presents, be disclosed to the Secretary of State and the Parole Board.
33. In the future MAPPA records will all be held on ViSOR. When this takes place the record will become a confidential document as it forms part of the ViSOR database. As ViSOR contains police service information which is being used in police investigations it is not subject to the same provisions of the DPA. However, in order to facilitate disclosure of MAPPA minutes, arrangements have been made for an executive summary of the minutes to be prepared under the authority of the MAPPA chair which will contain a gist of the meeting, details of the risk assessment and risk management plan which will be made available to the Parole Board and the Secretary of State upon application.



[Add Probation Area]

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NOT FOR DISCLOSURE TO OFFENDER

APPLICATION TO WITHHOLD ATTACHED INFORMATION FROM OFFENDER

This application is made for your consideration under Parole Board Rule 6(2) (Oral hearings only) or under PSO 6000 paragraph 5.16, whichever applies in this case.

| | |
|---|----------------------|
| Offender's name | Prison number |
| Type and Press F11 to move between fields | |

I am supplying the attached information in connection with the above offender's: (*tick one box only*)

| | |
|--|--|
| Parole application | |
| Lifer panel | |
| Representations against recall | |
| ROTL application | |
| HDC application | |
| Proposed ACR licence conditions | |
| Request for recall initiated by the Probation Service | |

I wish the attached information to be made available to the Parole Board / the governor / Secretary Of State making the decision about release, licence conditions or recall. However, I do not wish it to be disclosed to the offender. I understand that it may be withheld in one of the five interests set out below, or, in the case of an oral hearing, under the test in Parole Board Rule 6(2). I have indicated below which of the interests this information engages.

Oral hearings only

For the reasons set out overleaf, its disclosure would adversely affect the health or welfare of (tick either or both boxes):

| | |
|----------------------|--|
| The offender | |
| Other persons | |

I accept that it will be disclosed to the offender's representative subject to undertakings.

Cases other than oral hearings

For the reasons set out overleaf, the information should be withheld:

Tick relevant box(es)

| | | |
|-------|---|--|
| (i) | In the interests of national security | |
| (ii) | For the prevention of disorder or crime | |
| (iii) | For the protection of information the disclosure of which may endanger the safety or physical or mental health of any individual | |
| (iv) | Because, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and/or physical health of the offender could be impaired | |
| (v) | Because the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim, or would generally prejudice the future supply of such information | |

Reasons why the attached information should not be disclosed: (use extra paper if necessary, mark "Not for Disclosure")

I have/have not attached a sanitised version/a gist which can safely be disclosed to the offender. If you have not attached a sanitised version or gist:

I have not attached a sanitised version or a gist because:

Please let me know as soon as possible whether you agree to withhold this information from the offender.

| | |
|---|--|
| Name | |
| Address | |
| Probation Area | |
| Telephone number (Direct Line/Mobile No.) | |
| Fax number | |
| Email address | |
| Signed | |
| Date | |

THE PAROLE BOARD RULES 2004

Made 2004

Coming into force 1st August 2004

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SCHEDULES

1. Information and reports for submission to the Board by the Secretary of State on a reference to the Board under section 28(6)(a) or (7) of the Crime (Sentences) Act 1997 or section 44A(2) of the Criminal Justice Act 1991.
2. Information and reports for submission to the Board by the Secretary of State on a reference to the Board under section 32(4) of the Crime (Sentences) Act 1997 or section 39(4) of the Criminal Justice Act 1991.

The Secretary of State, in exercise of the powers conferred on him by section 32(5) of the Criminal Justice Act 1991, hereby makes the following Rules:

PART I

INTRODUCTION

Title, commencement and revocation

1. (1) These Rules may be cited as the Parole Board Rules 2004 and shall come into force on 1st August 2004.
- (2) The Parole Board Rules 1997 are hereby revoked.

Application and interpretation

2. (1) Subject to rule 24, these Rules apply where a prisoner's case is referred to the Board by the Secretary of State under section 28(6)(a), 28(7) or 32(4) of the 1997 Act, or under section 39(4) or 44A(2) of the 1991 Act, at any time after the coming into force of these Rules.

(2) In these Rules, unless a contrary intention appears -

"Board" means the Parole Board, continued by section 32(1) of the 1991 Act;

"Chairman" means the chairman of the Board appointed under paragraph 2 of Schedule 5 to the 1991 Act;

"chair" means the chairman of a panel appointed under rule 3(5);

“governor” includes a director of a contracted out prison;

“panel” means those members of the Board constituted in accordance with rule 3 and having conduct of the case;

“parties” means the prisoner and the Secretary of State;

“prison” includes a young offender institution or any other institution where the prisoner is or has been detained;

“single member panel” means that member of the Board constituted in accordance with rule 3(1);

“three member paper panel” means those members of the Board constituted in accordance with rule 3(2);

“three member oral panel” means those members of the Board constituted in accordance with rule 3(3);

“the 1991 Act” means the Criminal Justice Act 1991; and

“the 1997 Act” means the Crime (Sentences) Act 1997.

PART II

General

Appointment of panels

3. (1) The Chairman shall appoint one member of the Board for the purpose of conducting proceedings in relation to a prisoner's case without a hearing pursuant to rule 11.

(2) Where consideration of a prisoner's case is required pursuant to rule 13, the Chairman shall appoint three members of the Board to form a panel for the purpose of conducting proceedings without a hearing pursuant to that rule.

(3) Subject to paragraph (6) below, where a hearing is required in relation to a prisoner's case, the Chairman shall appoint three members of the Board to form a panel for the purpose of conducting proceedings with a hearing.

(4) In relation to any prisoner's case, no member shall be appointed to more than one of the panels formed under paragraph (1), (2) or (3) above.

(5) Subject to paragraph (6) below, the Chairman shall appoint one member of each panel to act as chair of that panel.

(6) In relation to cases referred to the Board under section 28(6)(a), 28(7) or 32(4) of the 1997 Act, the members appointed pursuant to paragraph (3) above shall include a person who has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990, and that person shall act as chairman of the panel.

Listing the case for hearing

4. The Board shall list the case and shall notify the parties of the date when the case was so listed within 5 working days thereafter.

Representation

5. (1) Subject to paragraph (2), a party may be represented by any person who he has authorised for that purpose.

(2) The following are ineligible to act as a representative -

(a) any person liable to be detained under the Mental Health Act 1983,

(b) any person serving a sentence of imprisonment,

(c) any person who is on licence having been released under Part III of the Criminal Justice Act 1967, under Part II of the 1991 Act, under Chapter 6 of Part 12 to the Criminal Justice Act 2003 or under Part II of the 1997 Act, or

(d) any person with a previous conviction for an imprisonable offence which remains unspent under the Rehabilitation of Offenders Act 1974.

(3) Within 5 weeks of the case being listed, a party shall notify the Board and the other party of the name, address and occupation of any person authorised in accordance with paragraph (1).

(4) Where a prisoner does not authorise a person to act as his representative, the Board may, with his agreement, appoint someone to act on his behalf.

Information and reports by the Secretary of State

6. (1) Within 8 weeks of the case being listed, the Secretary of State shall serve on the Board and, subject to paragraph (2), the prisoner or his representative -

(a) the information specified in Part A of Schedule 1 to these Rules,

(b) the reports specified in Part B of that Schedule, and

(c) such further information as the Secretary of State considers to be relevant to the case.

(2) Any part of the information or reports referred to in paragraph (1) which, in the opinion of the Secretary of State, should be withheld from the prisoner on the grounds that its disclosure would adversely affect national security, the prevention of disorder or crime or the health or welfare of the prisoner or others (such withholding being a necessary and proportionate measure in all the circumstances of the case), shall be recorded in a separate document and served only on the Board together with the reasons for believing that its disclosure would have that effect.

(3) Where a document is withheld from the prisoner in accordance with paragraph (2), it shall, unless the chair of the panel directs otherwise, nevertheless be served as soon as practicable on the prisoner's representative if he is –

- (a) a barrister or solicitor,
- (b) a registered medical practitioner, or
- (c) a person whom the chair of the panel directs is suitable by virtue of his experience or professional qualification;

provided that no information disclosed in accordance with this paragraph shall be disclosed either directly or indirectly to the prisoner or to any other person without the consent/authority of the chair of the panel.

Evidence of the prisoner

7. (1) Within 12 weeks of the case being listed, the prisoner shall serve on the Board and the Secretary of State any representations about his case that he wishes to make.

(2) Any other documentary evidence that the prisoner wishes to adduce at a hearing of his case shall be served on the Board and the Secretary of State at least 14 days before the date of the hearing.

Directions

8. (1) Subject to paragraph (4), the chair of the panel may at any time give, vary or revoke such directions as he thinks proper to enable the parties to prepare for the consideration of the prisoner's case or to assist the panel to determine the issues.

(2) Such directions may in particular relate to -

- (a) the timetable for the proceedings,
- (b) the varying of the time within which or by which an act is required by these Rules to be done,
- (c) the service of documents,
- (d) as regards any documents which have been received by the Board but which have been withheld from the prisoner in accordance with rule 6(2), whether withholding such documents is a necessary and proportionate measure in all the circumstances of the case, and
- (e) the submission of evidence.

(3) Within 7 days of being notified of a direction under paragraph (2)(d), either party may appeal against it to the Chairman, who shall notify the other party of the appeal; the other party may make representations on the appeal to the Chairman whose decision shall be

final.

(4) Directions under paragraph (1) may be given, varied or revoked either -

(a) of the chair of the panel's own motion, or

(b) on the written application of a party which has been served on the other party and which specifies the direction that is sought;

but in either case, both parties shall be given an opportunity to make written representations or, where the chair of the panel thinks it necessary, and subject to paragraph (7)(b), to make oral submissions at a preliminary hearing fixed in accordance with paragraph (5).

(5) Where the chair of the panel decides to hold a preliminary hearing, he shall give the parties at least 14 days' notice of the date, time and place fixed for that hearing.

(6) A preliminary hearing shall be held in private and information about the proceedings and the names of any persons concerned in the proceedings shall not be made public.

(7) Except in so far as the chair of the panel otherwise directs, at a preliminary hearing -

(a) the chair of the panel shall sit alone, and

(b) the prisoner shall not attend unless he is unrepresented.

(8) The power to give directions may be exercised in the absence of the parties.

(9) Notice of any directions given, varied or revoked under this rule shall be served on the parties as soon as practicable thereafter.

Adjournment

9. (1) The panel may at any time adjourn proceedings to obtain further information or for such other purposes as it may think appropriate.

(2) Before adjourning proceedings, the panel may give such directions as it thinks fit to ensure the proceedings can be resumed and the application considered as soon as possible.

(3) Before a three member oral panel resumes any hearing which was adjourned without a further hearing date being fixed, it shall give the parties not less than 3 weeks notice, or such shorter notice to which all parties may agree, of the date, time and place of the resumed hearing.

Panel decisions

10. (1) Where a panel has been constituted under rule 3(2) or (3), any decision of the majority of the members of the panel shall be the decision of the panel.

(2) For the avoidance of doubt, decisions made pursuant to rule 11(2)(b) or 13(2)(b) are provisional decisions as to the prisoner's suitability for release, a final decision only being made pursuant to rule 12(3) or 13(6) or when the case is determined by a three member oral panel.

PART III

Proceedings without a hearing

Consideration by single member panel

11. **(1) Within 14 weeks of the case being listed, a single member panel shall consider the prisoner's case without a hearing.**

(2) The single member panel must either –

(a) decide that the case should be considered by a three member oral panel,
or

(b) make a provisional decision as to the prisoner's suitability for release.

(3) The decision of the single member panel shall be recorded in writing with reasons, and shall be provided to the parties within a week of the date of the decision.

Provisional decision against release

12. **(1) In any case where the single member panel has made a provisional decision under rule 11(2)(b) that the prisoner is unsuitable for release, the prisoner may require a three member oral panel to give consideration to his case with a hearing.**

(2) Where the prisoner does so require consideration of his case with a hearing, he must serve notice to that effect on the Board and the Secretary of State within 19 weeks of the case being listed.

(3) If no notice has been served in accordance with paragraph (2) after the expiry of the period permitted by that paragraph, the provisional decision shall become final and shall be provided to the parties within 20 weeks of the case being listed.

Provisional decision in favour of release: consideration by three member paper panel

13. (1) In any case where the single member panel has made a provisional decision under rule 11(2)(b) that the prisoner is suitable for release, consideration of his case must be made by a three member paper panel within 17 weeks of the case being listed.

(2) The three member paper panel must either –

(a) decide that the case should be considered by a three member oral panel,
or

(b) uphold the provisional decision of the single member panel that the prisoner is suitable for release.

(3) The decision by the three member paper panel shall be recorded in writing with reasons, and shall be provided to the parties within a week of the date of the decision.

(4) In any case to which paragraph (2)(b) applies, the Secretary of State may require a three member oral panel to give consideration to the prisoner's case with a hearing.

(5) Where the Secretary of State does so require consideration of the case with a hearing, he must serve notice to that effect on the Board and the prisoner within 22 weeks of the case being listed.

(6) If no notice has been served in accordance with paragraph (5) after the expiry of the period permitted by that paragraph, the provisional decision shall become final and shall be provided to the parties within 23 weeks of the case being listed.

PART IV

Proceedings with a hearing

General provisions

14. (1) This Part of the Rules applies in any case where a decision pursuant to rule 11(2)(a) or 13(2)(a) has been made, or where a notice under rule 12(2) or 13(5) has been served, or in any case referred to the Board under section 32(4) of the 1997 Act or under section 39(4) or 44A(2) of the 1991 Act.

(2) In relation to any case to be given consideration by a three member oral panel by virtue of rule 13(5), rule 15(1) shall have effect as if the reference to 20 weeks was a reference to 23 weeks, and rule 15(2) shall have effect as if the reference to 21 weeks was a reference to 24 weeks.

(3) The prisoner shall, within 23 weeks of the case being listed, notify the Board and the Secretary of State whether he wishes to attend the hearing.

(4) Any reference in this Part of the Rules to a "panel" is to a three member oral panel.

Witnesses

15. (1) Where a party wishes to call witnesses at the hearing, he shall make a written application to the Board, a copy of which he shall serve on the other party, within 20 weeks of the case being listed, giving the name, address and occupation of the witness he wishes to call and the substance of the evidence he proposes to adduce.

(2) Where the Board wishes to call witnesses at the hearing, the chair of the panel should notify the parties, within 21 weeks of the case being listed, giving the name, address and occupation of the witness it wishes to call and the substance of the evidence it proposes to adduce.

(3) The chair of the panel may grant or refuse an application under paragraph (1) and shall communicate his decision to both parties, giving reasons in writing for his decision in the case of a refusal.

(4) Where a witness is called under paragraphs (1) or (2), it shall be the duty of the person calling the witness to notify the witness at least 2 weeks before the hearing of the date of the hearing and the need to attend.

Observers

16. A party may apply, in accordance with the procedure set out in rule 15(1) and (3), to be accompanied at the hearing by such other persons, in addition to any representative he may have authorised, as he wishes to support him or to observe the proceedings; but before granting any such application the Board shall obtain the agreement of -

(a) the governor where the hearing is held in a prison,

(b) in any other case, the person who has the authority to agree.

Notice of hearing

17. (1) The hearing shall be held within 26 weeks of the case being listed, but when fixing the date of the hearing the Board shall consult the parties.

(2) The Board shall give the parties at least 3 weeks notice of the date, time and place scheduled for the hearing or such shorter notice to which the parties may agree.

Location, privacy of proceedings

18. (1) The hearing shall be held at the prison or other institution where the prisoner is detained, or such other place as the chair of the panel, with the agreement of the Secretary of State, may direct.

(2) The hearing shall be held in private.

(3) In addition to witnesses and observers previously approved pursuant to rules 15 and

16, the chair of the panel may admit to the hearing such other persons on such terms and conditions as he considers appropriate.

(4) The parties may not challenge at the hearing the attendance of any witness or observer whose attendance has previously been approved pursuant to rules 15 and 16.

Hearing procedure

19. (1) At the beginning of the hearing the chair of the panel shall explain the order of proceeding which the panel proposes to adopt, and shall invite each party present to state their view as to the suitability of the prisoner for release.

(2) The panel shall avoid formality in the proceedings and so far as possible shall make its own enquiries in order to satisfy itself of the level of risk of the prisoner; it shall conduct the hearing in such manner as it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings it.

(3) The parties shall be entitled to appear and be heard at the hearing and take such part in the proceedings as the panel thinks fit; and the parties may hear each other's evidence, put questions to each other, call any witnesses who the Board has authorised to give evidence in accordance with rule 15, and put questions to any witness or other person appearing before the panel.

(4) The chair of the panel may require any person present at the hearing who is, in his opinion, behaving in a disruptive manner to leave and may permit him to return, if at all, only on such conditions as the chair may specify.

(5) The panel may adduce or receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law, but no person shall be compelled to give any evidence or produce any document which he could not be compelled to give or produce on the trial of an action.

(6) The chair of the panel may require the prisoner, any witness appearing for the prisoner, or any other person present, to leave the hearing where evidence is being examined which the chair of the panel, in accordance with rule 8(2)(d) (subject to any successful appeal under rule 8(2)), previously directed should be withheld from the prisoner as adversely affecting national security, the prevention of disorder or crime or the health or welfare of the prisoner or others.

(7) After all the evidence has been given, the prisoner shall be given a further opportunity to address the panel.

The decision

20. The panel's decision determining a case shall be recorded in writing with reasons, signed by the chair of the panel, and provided in writing to the parties not more than 7 days after the end of the hearing; the recorded decision with reasons shall only make reference to matters which the Secretary of State has referred to the Board.

PART V

Miscellaneous

Time

21. Where the time prescribed by or under these Rules for doing any act expires on a Saturday, Sunday or public holiday, the act shall be in time if done on the next working day.

Transmission of documents etc.

22. Any document required or authorised by these Rules to be served or otherwise transmitted to any person may be transmitted by electronic means, sent by pre-paid post or delivered -

(a) in the case of a document directed to the Board or the chair of the panel, to the office of the Board;

(b) in any other case, to the last known address of the person to whom the document is directed.

Irregularities

23. Any irregularity resulting from a failure to comply with these Rules before the panel has determined a case shall not of itself render the proceedings void, but the panel may, and shall, if it considers that the person may have been prejudiced, take such steps as it thinks fit, before determining the case, to cure the irregularity, whether by the amendment of any document, the giving of any notice, the taking of any step or otherwise.

References to the Board following recall

24. (1) Where the Secretary of State refers a prisoner's case to the Board under section 32(4) of the 1997 Act or section 39(4) of the 1991 Act to consider a recall:

(a) rules 11 to 13 shall not apply; and

(b) subject to the above, these Rules shall only apply where the prisoner has made representations against recall and subject to the modifications in paragraph (2).

(2) The modifications referred to in paragraph (1) are as follows:

(a) any references to periods of time set out in these Rules shall apply as if they were references to such period of time as the chair of the panel shall in each case determine, taking into account both the desirability of the Board reaching an early decision in the prisoner's case and the need to ensure fairness to the prisoner; and

(b) rule 6 shall apply as if the references in paragraph (1)(a) and (b) of that rule to the information and reports specified in Schedule 1 were references to the

information and reports set out in Schedule 2.

Transitional provision

25. The revocation by these Rules of the Parole Board Rules 1997 does not affect their operation in relation to any referral of a prisoner's case made to the Board before the coming into force of the revocation.

Home Office
2004

Parliamentary Under-Secretary of State

INFORMATION AND REPORTS FOR SUBMISSION TO THE
BOARD BY THE SECRETARY OF STATE ON A
REFERENCE TO THE BOARD UNDER
SECTION 28(6)(a) OR (7) OF THE 1997 ACT
OR SECTION 44A(2) OF THE 1991 ACT

PART A

INFORMATION RELATING TO THE PRISONER

1. The full name of the prisoner
2. The date of birth of the prisoner.
3. The prison in which the prisoner is detained and details of other prisons in which the prisoner has been detained, the date and reasons for any transfer.
4. The date the prisoner was given the life sentence or extended sentence, details of the offence and any previous convictions.
5. The comments, if available, of the trial judge in passing sentence.
6. Where applicable, the conclusions of the Court of Appeal in respect of any appeal by the prisoner against conviction or sentence.
7. The parole history, if any, of the prisoner, including details of any periods spent on licence during the currency of the life sentence or extended sentence.

PART B

REPORTS RELATING TO THE PRISONER

1. Pre-trial and pre-sentence reports examined by the sentencing court on the circumstances of the offence.
2. Reports on a prisoner while he was subject to a transfer direction under section 47 of the Mental Health Act 1983.
3. Current reports on the prisoner's risk factors, reduction in risk and performance and behaviour in prison, including views on suitability for release on licence as well as compliance with any sentence plan.
4. An up-to-date home circumstances report prepared for the Board by an officer of the supervising local probation board, including information on the following where relevant:

- (a) details of the home address, family circumstances, and family attitudes towards the prisoner;
- (b) alternative options if the offender cannot return home;
- (c) the opportunity for employment on release;
- (d) the local community's attitude towards the prisoner (if known);
- (e) the attitudes and concerns of the victims of the offence (if known);
- (f) the prisoner's attitude to the index offence;
- (g) the prisoner's response to previous periods of supervision;
- (h) the prisoner's behaviour during any temporary leave during the current sentence;
- (i) the prisoner's attitude to the prospect of release and the requirements and objectives of supervision;
- (j) an assessment of the risk of reoffending;
- (k) a programme of supervision;
- (l) a view on suitability for release; and
- (m) recommendations regarding any non-standard licence conditions.

INFORMATION AND REPORTS FOR SUBMISSION TO THE
BOARD BY THE SECRETARY OF STATE ON A
REFERENCE TO THE BOARD UNDER
SECTION 32(4) OF THE 1997 ACT
OR SECTION 39(4) OF THE 1991 ACT

PART A

INFORMATION RELATING TO THE PRISONER

1. The full name of the prisoner.
2. The date of birth of the prisoner.
3. The prison in which the prisoner is detained and details of other prisons in which the prisoner has been detained, the date and reasons for any transfer.
4. The date the prisoner was given the life sentence or extended sentence, details of the offence and any previous convictions.
5. The parole history, if any, of the prisoner, including details of any periods spent during the currency of the life sentence or extended sentence.
6. In the case of a referral under section 32(4) of the 1997 Act, the details of any life sentence plan prepared for the prisoner which have previously been disclosed to him.
7. The details of any previous recalls of the prisoner including the reasons for such recalls and subsequent re-release on licence.
8. The statement of reasons for the most recent recall which was given to the prisoner under section 32(3)(b) of the 1997 Act or section 39(3)(b) of the 1991 Act.
9. The details of any memorandum which the Board considered prior to making its recommendation for recall under section 32(1) of the 1997 Act or section 39(1) of the 1991 Act, or confirming the Secretary of State's decision to recall under section 32(2) of the 1997 Act or section 39(2) of the 1991 Act, including the reasons why the Secretary of State considered it expedient in the public interest to recall that person before it was practicable to obtain a recommendation from the Board.

PART B

REPORTS RELATING TO THE PRISONER

1. The reports considered by the Board prior to making its recommendation for recall under section 32(1) of the 1997 Act or section 39(1) of the 1991 Act, or its confirmation of the Secretary of State's decision to recall under section 32(2) of the 1997 Act or section 39(2) of the 1991 Act.
2. Any reports considered by the Secretary of State in deciding to recall under section 32(2) of the 1997 Act or section 39(2) of the 1991 Act.
3. In the case of a referral under section 39(4) of the 1991 Act, any pre-sentence report examined by the sentencing court on the circumstances of the offence.
4. Any other relevant reports.



Equality Impact Assessment

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report

| |
|---------------------------------------|
| EQUALITY IMPACT ASSESSMENT |
| Post Release Section |
| Performance & Improvement Directorate |
| Public Protection Unit |

PRELIMINARY SCREENING

| | |
|------------------------------|------------------------|
| Date of Screening | 05 July 2007 |
| Name of Policy Writer | Akile Osman |
| Director General | Jonathan Slater |

| | | |
|--|---|---|
| Name of Policy Probation Circular: Disclosure & information sharing to inform Parole Board decisions on release and recall | | This is a new policy |
| | | This is a change to an existing policy |
| | √ | This is an existing policy |

Policy Aims, Objectives & Projected Outcomes

- To provide practice guidance to probation staff regarding disclosure of offender information to the Parole Board
- To clarify issues relating to disclosure of information to third parties.

| | |
|---|-----|
| 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 | YES |
| 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? | NO |

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.

| Equality Target Areas | How does the data identify potential or known positive impacts? How does the data identify any potential or known adverse impacts? |
|--|--|
| Race (consider e.g. nationalities, Gypsies, Travellers, languages) | The probation circular secures a parity of service of consideration from an offender of this or any other group listed below. The policy provides a systematic approach for all cases. |
| Disability (consider social access and physical access) | See above. |
| Gender | See above. |
| Gender Identity | See above. |
| Religion and Belief | See above. |
| Sexual Orientation | See above. |
| Age | See above. |

What research have you considered commissioning to fill any data gaps?

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

N/A.

Who are the stakeholders, community groups, staff or customers for this policy area?

Stakeholders: National Offender Management Service including HM Prison Service and Probation Areas, the Parole Board

Staff: Local probation staff

Customers: Probation staff with responsibility for offender management.

What are the overall trends and patterns in this qualitative & quantitative data?

Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.

There are inevitable resource and skills differentiations across the 42 local probation boards. Resources will determine the pool of probation staff available to prepare reports to the Parole Board. The level of competence and experience amongst staff will differ according to staffing and caseload levels.

Please list the specific equality issues that may need to be addressed through consultation (and further research)?

N/A

GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

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

| Does this policy affect the experiences of staff? How? What are their concerns? | |
|--|--|
| Staff | The policy document provides guidance to probation staff for disclosing offender information and seeking non-disclosure of sensitive information to third parties. |
| Staff Networks & Associations | N/A |
| Trade Unions | N/A |

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.

N/A – there is no impact of this proposal on other public policies.

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

All those consulted (colleagues in NOMS and probation areas) welcomed the guidance and viewed it as informative.

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

EXTERNAL CONSULTATION & INVOLVEMENT

| | |
|---|-----|
| How did your engagement exercise highlight positive and negative impacts on different communities? | |
| Voluntary Organisations | N/A |
| Race | N/A |
| Faith | N/A |
| Disability Rights | N/A |
| Gender | N/A |
| Gender Identity | N/A |
| Sexual Orientation | N/A |
| Age | N/A |

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.

The EIA shows a positive impact for:

A) Probation staff

- Better informed and increased awareness of sharing information
- Guidance will lead to consistent practice

B) Stakeholders

- The Parole Board will benefit from being in possession of all relevant risk related material which assists in their ability to make sound and informed decisions

C) Community

- Victims of offences will benefit from the safeguards afforded by standardised arrangements for disclosing their views to the Parole Board.

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

The consultation exercise was undertaken to ensure that the policy circular was accurate and covered appropriate ground. The stakeholder responses helped to develop the content of the probation circular.

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?

The probation circular is transparent and provides a standard approach to dealing with individual cases.

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?

The probation circular will result in better informed staff and levels of information sharing.

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

Ongoing feedback will be sought from probation boards following implementation of the policy.

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.

N/A.

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)

- The policy circular will be stored electronically on the National Probation Service and NOMS website and intranet. It will remain the responsibility of the policy owner to review and revise its content accordingly.

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)

- Regular consultation to take place with stakeholders.

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)

- Regular review and revision as appropriate.

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? |
|--------------------------|-----------------------|--|--------------------------------------|----------------------------|-------------------------------------|
| Data Collection | Policy owner | Electronic storage of policy document and continued consultation | Stakeholders expressing satisfaction | July 2007 | Consultation complete |
| Publication Arrangements | Policy owner | Issue of probation circular | Distribution of probation circular | 1 August 2007 | Draft circular has been cleared |
| Monitoring & Review | Policy owner | Review and revision of circular as required | Revision or replacement of circular | No later than 31 July 2010 | Implementation will be monitored |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

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.