**Napo Briefing: Future of Parole Board, Westminster Hall debate (18 January)**

* The decision by former Secretary of State Dominic Raab to strip probation officers of the right to make recommendations to the Parole Board endangers the public and further de-professionalises this vital public service.
* The Government need to listen to the experts and reverse course or see the morale of the Probation Service workforce – still reeling from the reckless “Transforming Rehabilitation” failed privatisation experiment – sink even further.

Changes to the role of probation in parole proceedings were brought in during the summer of 2022. The Secretary of State announced the changes without any prior warning. The two main changes are that some Parole Board hearings would be public, and that probation would no longer be able to write a recommendation of release, open conditions or no release in their reports to the Board.

Public hearings were consulted on via the Root and Branch Review of the Parole Board. Napo expressed concerns about this approach and asked for more detail about what would be in place to protect staff, how would they work in practice given oral hearings are often held in small rooms, and how can confidentiality be maintained. Since their introduction there have been relatively few hearings and anyone attending them must do so remotely via a link set up at the Parole Board offices. One could argue that they serve little purpose and only add to an already complicated process, with little or nothing to be gained from them.

The most significant change to the parole system was the decision to remove the right of probation officers to give a view or recommendations on the release or recategorisation of prisoners. This change has wide-reaching consequences but was not included in the Root and Branch Review – and as such has never been consulted on with probation or any other stakeholder. Napo members are utterly dismayed by this significant change, which in their view is yet another step to de-professionalising probation.

Previously, probation played a key role in the parole process. Probation officers holding parole-eligible cases were asked to write a parole report and to give their view on whether a prisoner was suitable for either release or recategorisation (eg moving from a Category B to C). An oral hearing may also be held where all agencies are called to give additional evidence to the Parole Board. At these hearings, probation officers act as expert witnesses and are cross-examined by both the Parole Board and the prisoner’s legal representative. The officer is asked to explain, defend and evidence the reason for the recommendation.

Removing probation’s right to give a view has far-reaching consequences. Although the changes allow for the Secretary of State to make recommendations, this only happens in the most serious of cases, commonly referred to as the “critical few”. On average the Parole Board deals with 6,000 cases a year and, of those, only 150 are deemed the “critical few” and as such receive a view from the Secretary of State. The remaining cases will now no longer have any recommendation given and will be reliant solely on the view of the Parole Board. The changes also allow for the Secretary of State to block releases.

Even the Parole Board are worried, with one senior official [telling Raab](https://prisonreformtrust.org.uk/parole-board-dominic-raab-making-an-already-difficult-job-close-to-impossible/) that “it is extremely difficult and very disappointing that the Parole Board is the last to hear about important decisions which strike at the very heart of the difficult decisions we are asked to make. It makes our members’ already difficult job close to impossible”. The changes were brought in so hastily that no guidance was issued to staff in advance. While subsequent consultation has been taking place with trade unions, it is unacceptable that such a fundamental change was not consulted on in advance.

There has been no impact assessment on this change and, as it was not consulted on, stakeholder concerns have not been heard. Napo has serious concerns that this change could have a disproportional and negative impact on prisoners from a black, Asian and minority-ethnic background and those serving IPP sentences. We are also concerned that this change will create a risk-adverse environment where the Parole Board err on the side of caution and fewer prisoners will be granted parole as a result. It should be noted that the Criminal Bar Association were not informed about these changes either and only became aware of them as a result of contact from Napo. A judicial review has now been launched questioning whether the change is dangerous, and Napo have been listed as an interested party in this case.

Since its implementation, several versions of guidance to staff have been issued. However, the latest guidance issued in October did not provide a link to the Parole Board rules. These rules are covered by separate legislation and therefore can in effect override the Secretary of States instructions. As a result of this, some members have reported being directed by the Parole Board to give a verbal recommendation during a hearing. This not only places our members in a difficult position but also undermines the purpose of the changes. There are now regular meetings with the trade unions and HMPPS to review the position and to monitor any consequences.

**Questions you may wish to ask:**

* Why was removing probation recommendations not included in the Root and Branch review and why was there no prior consultation with all stakeholders before the changes were implemented?
* In relation to the removal of probation recommendations, what impact assessments have been carried out with regards to BAME prisoners and IPP prisoners?
* Probation union Napo are concerned that removing professional recommendations in parole will lead to inappropriate releases and also the non-release of those who otherwise may have been granted parole, so what impact assessment has been carried out on this issue – and did the Government seek the views of the Parole Board itself about having to make release decisions without expert-witness recommendations?
* How many responses were there to the Root and Branch Review and how many of these were in favour of public parole hearings?

Since the introduction of the Single Secretary of State’s View change on 21 July 2022:

* How many Oral Hearings were attended by a Secretary of State’s Representative?
* In how many of these Oral Hearings did the Secretary of State’s Representative recommend no progression (remain in either closed or open conditions), progression to open conditions from closed conditions, or release on licence?
* Have any Oral Hearings failed to proceed because a Secretary of State’s Representative, who was to have attended and/or participated, was unable to do so?
* How many prisoners have committed suicide? Have any of these occurred within one calendar month of their receiving a final parole decision in their case (if applicable)?
* How many full-time Secretary of State’s Representatives are currently in post? Are there currently any vacancies for this role, and if so what number?

16 January 2023 – Tania Bassett, Napo National Official – tbassett@napo.org.uk, 07904184195