



Ministry
of Justice

Parole Board for England and Wales Triennial Review 2013

Call for Evidence

18 November 2013

Terms of Reference

TRIENNIAL REVIEW PROGRAMME

The landscape for public bodies is undergoing significant reform to increase transparency and accountability, to cut out duplication of activity and to discontinue activities that are no longer needed. As custodians of the public purse, whether paid by the professions or directly from public funds, it is important that we deliver an efficient and effective service to the public.

The reform programme includes the requirement for Non-Departmental Public Bodies (NDPBs) to undergo Triennial Reviews. A Triennial Review is a Cabinet Office mandated process for reviewing the functions of an NDPB, the appropriateness of the NDPB model to deliver these functions and the body's governance arrangements. The periodic review of our NDPBs is one of the ways that the Government intends to ensure that we maintain a lean, but effective, public sector. The Ministry of Justice will be carrying out the Triennial Review as the sponsor Department of the Parole Board for England and Wales (Parole Board).

PURPOSE OF THE REVIEW

In keeping with the principal aims identified by the Cabinet Office, this review will have two stages:

- Stage 1: To provide a robust challenge of the continuing need for the Parole Board – both its functions and whether the NDPB model is the most appropriate way to deliver those functions; and
- Stage 2: If it is agreed that the Parole Board should remain as an NDPB, to review the control and governance arrangements in place to ensure that it is complying with recognised principles of good corporate governance. This will include looking at accountability, roles and responsibilities, effective financial management, communications, conduct and behaviour.

This Call for Evidence will focus on the first of these objectives.

FUNCTIONS OF THE PAROLE BOARD

The Parole Board is an independent body that works to protect the public by risk assessing prisoners to decide whether they can safely be released into the community. In doing so, it works with partners across the criminal justice system. It was established in 1968 under the Criminal Justice Act 1967 and became an independent Executive Non-Departmental Public Body (NDPB) on 1 July 1996 under the Criminal Justice and Public Order Act 1994.

The Board fulfils three main functions:

- it decides whether to release all indeterminate sentence prisoners, including life sentence prisoners and prisoners given Indeterminate Sentences for Public Protection (IPP); Discretionary Conditional Release (DCR) (determinate sentence) prisoners; Extended Sentence prisoners and Extended Sentences for Public Protection imposed before the Criminal Justice and Immigration Act 2008 came into force;
- it reviews the circumstances of the recall of determinate and indeterminate sentence prisoners, and makes a decision whether to re-release;
- it makes recommendations to the Secretary of State for Justice on the transfer of indeterminate sentence prisoners from closed to open conditions.

TIMELINE

The Triennial Review commences on 18 November 2013 and is expected to take six months to complete. The conclusions of the review will be announced in both Houses of Parliament and a copy of the final report will be published on the Justice website.

CALL FOR EVIDENCE

In order to review the continuing need for the functions and the form of the Parole Board, and its statutory powers to perform these functions, the review team is seeking evidence from a wide range of bodies in response to the two principle aims stated by Cabinet Office (as detailed above).

The review team would particularly welcome hearing from stakeholders of the Parole Board. Submissions can be made in writing using the following contact details:

By Post: Parole Board Triennial Review
Post Point 10.10
Ministry of Justice
102 Petty France
London
SW1H 9AJ

By email: ParoleBoardTriennialReview@justice.gsi.gov.uk

All submissions must be received by **12:00 Friday 10 January 2013**.

CONFIDENTIALITY

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

USEFUL LINKS

- **Cabinet Office page on Triennial Reviews (including guidance)**
- **Parole Board Business Plan 2013/14**
- **Parole Board Annual Report and Accounts**
- **Criminal Justice Act 1967**
- **Criminal Justice and Public Order Act 1994**

Questions

INTRODUCTION

The questions that follow are intended to frame the Parole Board Triennial Review Call for Evidence. The questions presume an understanding of the functions, form and purpose of the Parole Board.

1. THE FUNCTION OF THE PAROLE BOARD

1.1 Is there a continuing need for the functions of the Parole Board: the administration of risk assessments of prisoners to decide whether they can safely be released into the community (as outlined above)?

Points to consider:

- *Why does the function need to continue?*
- *How does this contribute to the core business of the Ministry of Justice?*
- *How does this contribute to wider Government policy objectives?*
- *Is there a demand for the function or activity from users?*
- *Is providing the function a justifiable use of taxpayers' money?*
- *What would be the cost and effects of not delivering the function?*

2. HOW SHOULD THIS FUNCTION BE DELIVERED?

2.1 Should the function of the Parole Board continue to be delivered by a Non-Departmental Public Body?

Points to consider:

- *Is the Parole Board's function:*
 - a) a technical function that needs external expertise to deliver;*
 - b) a function that needs to be, and be seen to be, delivered with absolute political impartiality – such as certain regulatory or funding functions; or*
 - c) a function that needs to be delivered independently of Ministers to establish facts or figures with integrity?*
- *Is the NDPB model an efficient model to deliver this function?*
- *Are the freedoms and flexibilities inherent in the NDPB model being used to deliver the function?*
- *Does the Parole Board have the right powers and levers to fulfil its functions?*
- *How well is the Parole Board currently delivering the function?*

2.2 Should the Parole Board be merged with another body in order to deliver its function?

Points to consider:

- *Are there any other areas of central government (including other arm's length bodies) delivering similar or complementary functions?*
- *Does the function duplicate work undertaken elsewhere?*
- *Could the function be merged with those of another public body?*
- *Should the Parole Board take on any other functions?*

2.3 Should the function of the Parole board be delivered in-house by the Ministry of Justice?

Points to consider:

- *Does the function need to be delivered at arms length from Ministers?*
- *Could the function be delivered more efficiently or effectively by the parent Department or by an Agency of the parent Department?*
- *What would be the cost and benefits of bringing the function in-house?*

2.4 Should the function of the Parole Board move out of Central Government?

Points to consider:

- *Could the function be delivered – either wholly or through a joint venture – by local government, by the voluntary sector or by the private sector?*
- *Is there an existing provider in the local government, voluntary or private sector that could deliver this function? Could the function be privatised or delivered under contract by the voluntary or private sector?*
- *Could the function be delivered by a mutual, Community Interest Company or social enterprise?*
- *What are the risks and benefits of moving the function out of central government?*

2.5 Are there any other possible delivery options?

3 OTHER

3.1 Do you have any additional comments you would like to submit relating to either Stage 1 or Stage 2 of the review?