

Parole: A risky business

Those who understand the Parole Board know that our work is about the assessment of risk, which by its very nature, can be dynamic and things can change quickly. We see thousands of people each year who have committed offences which have caused immense harm. The members of the Parole Board have the sometimes-unenviable task of making the difficult decision whether someone can be safely managed in the community.

We have recently celebrated our 50th year, and have worked to bring this organisation into the modern age. We have embraced technology by becoming a paperless organisation and we successfully eliminated the backlog of cases that delayed timely reviews for prisoners.

We have achieved a lot, but there is always more to do.

As a public body, it is vitally important that the Board commands the confidence of Parliament and the public. However, as a court, and must seek to ensure fairness to the prisoner and apply the law as it stands. Our decisions must be based on a professional expert judgment of the evidence provided, not emotion, no matter how emotive the case is.

The decision of the Parole Board in January 2018 in the case of John Worboys precipitated an enormous reaction from the public, the media and Parliament.

While I think it was right and proper, in my view, that the Parole Board sought to defend itself publicly in the face of unwarranted criticism, we faced a difficult prospect of trying to defend our decision without telling anybody what it contained and with little public understanding of how the parole system works.

It is clear that this case has brought us a lot of challenges, we also have to capitalise on the opportunities it has created.

I am certain the court's findings in the recent judicial review will draw significant improvements in the quality of information provided to the Parole Board and the additional training to Parole Board members will drive better decision making.

The judgment has meant that we will become more transparent. The law that was precluding us from doing so is about to change to enable us to share our decision making with the public and particularly with victims. The Parole Board has been calling for this for some time, and it is vital that we open the system to help the public to understand our work in the interest of open justice.

We also need to rebuild damaged public confidence, while remaining acutely aware that our decisions must not be made based on public opinion. We are an independent court, and it is paramount members continue to make decisions confidently based on the best information available. It is inevitable that at some point in the future we will make another unpopular decision, and we need to remain self-assured that our statutory role to protecting the public must outweigh any potential criticism.

A further point that has been highlighted in this case, is how under the law a decision of the Parole Board can only be over-turned by way of a judicial review. With the Worboys case, the victims brought an unprecedented challenge and successfully overturned our decision. They have rightly been commended for their courage, but there needs to be a more effective and fast mechanism to conduct an internal review of the Parole Board's decisions without the need for a judicial review.

Most people, accept that most people in prison deserve a second chance, once they are no longer assessed as representing a risk to the public. Most commentators would, I think, accept that in pure numerical terms the Parole Board does a good job with a rate of serious re-offending consistently holding at less than 1%. While those events are rare; each one is a terrible tragedy and causes immense harm. In an ideal world we would, of course, want to be 100% effective, however given that we are making decisions about future human behaviour I do not think that is possible.

However, where we decide, based on all the evidence we carefully see and hear, that a prisoner is safe to be released, we must as a matter of law and justice make those decisions, without fear.

Martin Jones, Chief Executive: Parole Board