

# Speech: Parole Board 50th Anniversary

I think that the Butler Trust has marshalled a star-studded turnout. It's right that after 50 years we should show our appreciation of the Board's important work and its strong and inspiring leadership. I want to congratulate both Nick Hardwick and Martin Jones for getting this vital body into good shape as it enters its sixth decade. I think that the Board today is energetic, it's faster-moving, it's toned and conditioned. If you like, it's following the regime that a doctor would wish every fifty year old would undertake.

Now before I go any further, I know you heard this morning from Mark Johnson about his experience of prisons and probation. And I wanted to start by sharing with you the thoughts of a 'lifer' who was talking about the impact on him of a Parole Board oral hearing.

He said this, he said: 'I think it's important that every lifer be given the opportunity to speak to the people that make decisions on their life... A bit of paper is flat and emotionless and expressionless. It's open to interpretation and anyone can read what's said, but when I'm here and I'm talking and I'm responding to what you're saying and if you have any doubt you can question me on that doubt – that is the benefit. '

It also...made me feel a lot better about me, that at least I've gone in there and I've put my point of view across...And these people now have something more to contend with than a dead bit of paper...it was satisfying in that respect.'

Now, as is the case with all 'lifera', this man had no chance of being freed until the Parole Board had assessed the risk that he posed to the public. The Board's work is pivotal to the future of offenders and to the wider criminal justice system. It supports the government's priorities to protect the public and prevent there being more victims, while supporting prison reform by encouraging offenders to turn over a new leaf in the hope of a move to open conditions or release.

And the Board has made great strides of late, listing more cases each month and bringing down the backlog faster than predicted. I also welcome in particular the additional focus on IPP prisoners, five hundred and seventy-six of whom were released last year – that's the highest annual figure since IPP sentences were introduced in 2005. HMPPS has been working closely with the Parole Board to help speed up progress, and it's encouraging to see that release rate at 46 per cent, up from 28 per cent just five years ago.

## **Measured, meticulous, public-spirited**

I suppose that if you wanted to characterise the work of the Parole Board it's a reverse detective investigation, raking through evidence for clues to whether a crime will be committed in the future. And it's little wonder the Board's decisions come under public scrutiny. There is a tension inherent in every decision: balancing the need to be cautious with the need to be fair;

protecting society while honouring the competing rights of offenders. Those rights are enshrined in the word 'parole', which of course comes from the French 'parol', or 'word of honour'. In the 19th century it referred to a prisoner of war's pledge not to take up arms again in the same conflict, once released. These days the Board has more to go on than just a prisoner's statement that he will be good to his word.

Its judges, psychiatrists, psychologists, probation officers and independent members deliberate upon offenders' behaviour, past and present, to look in to the future. They are not doing so as soothsayers peering at the entrails of a chicken, but with measured, meticulous and forensic care – while recognising at the same time that risk assessment can never by its very nature be an exact science ... that there cannot be a crystal ball. When new members sign up, as more than one hundred public-spirited people did last year alone, it's in the knowledge they will be called upon to make complex judgments that few of us are equipped for or would feel able to make. And for all that those Members do, for their humanity and courage, I salute them and thank them.

## **Remembering the early days**

There are now around two hundred and seventy Parole Board members. At the beginning, in 1967, there were just seventeen. In those days they almost never saw an actual prisoner. They made paper-based recommendations for the most part. But change was coming. In a way, the Sixties marked the end of a more innocent era: the crimes that we remember from that time were high-profile and notorious. The Great Train Robbery. The 'Moors Murderers', the East End gangster twins Ronnie and Reggie Kray. The perpetrators of those crimes spent decades making multiple parole bids. Each was carefully and properly scrutinised.

To no one's great surprise, successive applications were turned down.

Which are the factors likely to sway the Parole Board towards release? Well, they are factors that happen to chime with our reform goals – qualities that contribute to prisons becoming safer and more purposeful; more likely to support rehabilitation and cut reoffending. A co-operative attitude in custody, coupled with a realistic release plan that involves good support – including positive family contact. A willingness to take responsibility for the original crime, to accept the punishment and to move on. The completion of behaviour courses and health treatment, an appetite for the kind of training that leads to qualifications and work. Staying away from drugs, and not committing serious breaches of discipline.

Looking ahead, I see the Parole Board playing an ever-more important part in prison reform. It can help create capacity in the estate by ensuring that prisoners suitable for release are not marooned behind bars by delayed hearings (and I should say quickly that I'm conscious too that a smooth-running system depends equally on HMPPS playing its part in making sure that the Board has available to it, at the right time, appropriate evidence of an offender's progress, and I am determined to make sure that we do our bit to enable the board to do its job more effectively and swiftly.

The Parole Board's work can reassure offenders that good behaviour will be recognised, incentivising them for their part to embrace learning and training. It can encourage offenders, particularly IPP prisoners, that they can make progress, and not stay in custody for any longer than Parliament or the courts intended. I would add that as we go forward to the next 50 years, I would like to see the Parole Board's membership more closely reflect today's society – an argument I use also about the judiciary, which must hold up a mirror to the people who pass through our courts. And I know that both Nick and Martin share my own desire to increase in particular the number of black and other ethnic minority representatives on the Parole Board – that will help to ensure that it draws members from the widest possible pool of talent, and help maintain public confidence in the system.

## **The importance of working together**

Now, while always respecting the judicial independence of the Parole Board, I see its relationship with the MOJ as one of close partners. Few would deny that both the prison and parole system face considerable challenges in the year ahead. Prisons absorb some of the most troubled people in society. There is still too much violence and self-harm in our jails. The abuse of new psychoactive substances has made many offenders more aggressive and prone to sudden mood swings. Growing gang violence in cities is spreading to wings and landings as the police and the courts find and sentence to custody those responsible for gang violence. And of course, reoffending remains stubbornly too high.

I don't believe – even after just four months doing this job – that there is a single solution, no magic bullet to bring about an answer to those challenge, so that is why we are working on so many fronts. Beyond improving the performance of both prisons and probation services, we are co-operating more effectively with important bodies that have contact with offenders. And contact also with people who we recognise as likely to commit the kind of crime that typically leads to a spell in custody. The hope being, of course, that we can divert them before it's too late. And to that end, we are collaborating with colleagues from the Departments of Health, and Work and Pensions, with NHS Trusts, employers, training providers and not least the many hundreds of invaluable third sector organisations and charities focused on offender reform.

And I believe we can do much more through that kind of partnership in the months and years ahead. We need a plan that tackles the problems of reoffending at source, recognising that many social problems, such as addictions, unemployment and homelessness, affect their lives long before offenders are ever sentenced. Let me share with you two other striking statistics: firstly, that less than one per cent of all requirements started under a community or suspended sentence order are Mental Health requirements.

This is a remarkably low figure and I think it's important that both those of us charged with responsibilities for the criminal justice system and our colleagues with responsibilities for the NHS services and for mental health provision find ways in which to address this problem. The second statistic concerns reoffending and the salutary effects of drug or alcohol treatment

programmes in the community. Recently published statistics show that offenders who undergo that kind of community-based drug and alcohol treatment programme are 33 per cent less likely to commit further crimes. We all need to learn from that experience.

## **A partnership for reform**

In making prisons safer and calmer, the MOJ and HMPPS are well on the way to recruiting 2,500 more staff by the end of next year. That's more than 10 per cent of the total number of prison officers, a significant increase, and they will make a difference. They will help to bring about the safer, calmer conditions in which reform can prosper, with prisoners more likely to be taken from their cells to be taught and trained. At the same time, our new offender management model – with one officer responsible for about six prisoners – takes us in the right direction and we must use every possible means to ensure that prisoners attend workshops and classes.

I am determined too to make sure that HMPPS gives prompt and public responses to issues identified by prison and probation inspectors so that recognised problems do not fester. I would urge everyone here to look out for our new online portal, the Justice Data Hub, where figures on purposeful activity and how long prisoners are spending in cells will be freely available, establishment by establishment. Making this information public is itself a discipline – it makes us more accountable, our work more transparent, and will, I hope, lead to swifter progress on prison performance.

The quality of probation services, and the level of confidence in the supervision of community sentences, also feed into effective offender management. There are many probation officers doing an incredibly professional job. At the same time, the inspectorate's report on through-the-gate services made it clear that these are not performing in the way that we had hoped. We are now looking at probation with an eye to improving performance and maintaining the confidence of courts and the public alike.

Prison should be a last resort. That, after all, is what the law requires. People should go to prison because their crime is so serious that custody is the only punishment that can satisfy justice, or because they would be a threat to public safety if they were in the community. I want to see the prison population come down. Reducing the numbers in prison depends on many things, and not all of those come under the direct control of the MOJ. Parole Board decisions and the performance of probation; access to release on temporary licence; the availability and quality of community-based courses and health treatment all have a bearing. As, of course, do sentencing policy and practice.

If you look at the pattern of sentencing, the number of people placed in custody for 12 months or less has not changed significantly over the past decade – which rather weakens the argument we often hear that the high levels of the prison population is solely due to more people being sent to jail instead of being given community sentences. Rather, the surge in numbers stems from people serving four years or more, often for violent and drug-related crime, and also those sent to prison for sexual offences – many

brought to book long after the event thanks to victims feeling brave enough to come forward. It is very difficult to argue that individuals who have committed that kind of offence deserve a shorter sentence.

IPP prisoners make up a relatively small part of the prison population but as everyone here knows, many remain in custody long beyond tariff. My feeling on IPP sentencing is that as a policy it was flawed from the start, and it was used far more frequently than was ever intended by the Government of that time and by Parliament.

We have a duty now to ensure that parole applicants receive their rightful hearings in a timely fashion, that the Board has the resources to carry out a full and proper evaluation, weighing up all the evidence at its disposal, and that offenders are released if they are judged no longer to be a risk to society. Those facing undue delays feel acutely the loss of hope and a growing frustration, and this leads them to harm themselves or others and for their conduct in custody in general to worsen. With IPP prisoners, as with all offenders, our goal should be to give them every chance of living a positive life after custody, because this contributes to a safer society overall. But it is right that the Parole Board, in judging individual cases, should always give priority to the protection of the public.

And that means that looking forward, the big challenge, the question we need to ask ourselves, is whether there is a way to carry on cutting the numbers of IPP prisoners in custody once what one might term the 'easier' cases have been dealt with and there remains to us a harder core of very challenging, complex and frankly very risky cases of people still inside prisons.

## **Conclusion**

I want to finish with a brief history lesson. While we're here to mark fifty years of the Parole Board, in penal terms parole has been around a lot longer. It dates to the 19th century, an era when governments were edging away from the corporal punishment approach in favour of a more enlightened vision of offender reform. It may be a stretch to take national credit for this, but one notable parole pioneer was Alexander Maconochie, the warden of a remote English penal colony on Norfolk Island, a dot in the South Pacific between Australia and New Zealand.

Norfolk Island was supposed to hold the 'worst of the worst' – convicts who'd been transported to Australia and then exiled even further away for committing yet more crimes. Its regular floggings and hangings were designed to deter convicts left on the mainland from any thoughts of rebellion. But Maconochie had a different vision and set about changing things. He developed a 'mark' system that rewarded good conduct, hard work and study by offenders – is this starting to sound familiar? Marks earned them privileges, and eventually their release.

You know what they all say about breaking the mould – that it's better to be a fast-follower than a pioneer. Maconochie was fired in 1844. But he'd sown the seeds of change and the ideas with which he had experimented were taken up around the world – not least here, where they remain firmly rooted in our

approach to criminal justice.

Although no human institution or system is perfect, I remain proud of our justice system – it's always led the way and it is admired worldwide. The principles and values that run through it are a mark of the kind of country we are. And while we rightly give priority to public protection and we are not afraid of facing up to the need for punishment, we also place a great value on rehabilitation. The great majority of offenders, all but a handful, will one day return to the community. And it is in the interests of everybody in our society – not least potential victims of the future – that we use the time that we have offenders in custody and under supervision to minimise the chance that they will commit again and to add to the possibility that they can make that transition successfully into law-abiding life where they are actually contributing something positive to the wider society in which they live.

And it is thanks to our parole system that many do make that contribution and they are able to do so only when the Board is satisfied that the individual offender in front of that Board will not cause further risk to the public if released. That work, that exercise of sensitive and important judgements, is key to prison reform, key to safer communities and key to ensuring that our justice system will remain both effective and fair. I congratulate all who have served on the Parole Board, on what has been achieved over the first fifty years, and I am very confident that there are more successes and more productive work still to come. I look forward to working closely with Nick and other colleagues in taking that work forward in years to come.