

# Independents and the Parole Board

Jo Dobry writes on the contribution of the Parole Board's independent members.

The brief for this article was to cover the 'role and unique contribution of lay members on the Parole Board'. In fact I shall be writing about the contribution of the Board's fifty or so independent members, and how their role has developed so that they now constitute just over half the total membership. The distinction between lay and independent is important. It is central to the Board's multi-disciplinary constitution and the way it takes its decisions, that all members have equal status, irrespective of their professional backgrounds. It is central also to the Board's annual recruitment of new members which, since the late 1990s, has been by open competition, following advertisements in the national press. All applicants, whether they are judges, psychiatrists or independents have to demonstrate the same general competencies in terms of judgement, analysis, communication skills and not least the capacity to deal with large amounts of complex information efficiently and fairly.

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When the Board was set up in 1967 by the then Home Secretary Roy Jenkins, it had a chairman and just 16 members, drawn from the following five categories: judges, psychiatrists, criminologists, probation officers and independents. Then as now, the independent members came from all walks of life, including for instance teachers, voluntary workers, solicitors, prison visitors, magistrates and managers from both public and private sectors. Then as now they tended to have some relevant experience of the criminal justice process and/or experience of dealing with and assessing people. In the early days, each of the five categories were equally represented on the Board and on every decision making panel. Over the years, as the role and size of the Board has expanded, the constitution of panels has changed to deal with different decision processes for different types of prisoner. While the five categories of member remain the same, the proportion in each category has changed significantly, so that by the early 1990s the independent sector of the membership rose to roughly half the total. The main reason for the increase was the introduction at this time of Parole Board Interviewing Members (PBIMs) whose job

is to write reports of interviews with prisoners in the run up to parole. Previously this function had been carried out by the Local Review Committees (LRCs). The LRCs were abolished at the beginning of the decade following recommendations of the Carlisle Committee in 1988, and the restructuring of the Board in the *Criminal Justice Act 1991*.)

It is fair to say there is a big question mark hanging over the continued involvement of the Board with interviews. This will be dealt with in more detail below. But first it may be helpful to look at the current constitution of the Board as of August 2002: one part-time chairman, two full members (both independent), 35 judges, 24 psychiatrists, five criminologists, eight chief probation officers, 59 independents. It is perhaps worth emphasising that with the exception of two full-time independent members, all other members in all five categories work part-time for the Board, the vast majority continuing with their respective jobs and professional commitments. This is important because it means that up-to-date practice and experience from

the wide range of complementary professional backgrounds is constantly being fed into the Board's operation and decision making. A good way of illustrating the range and diversity of experience that independent members bring to the Board is by running through the details of some of the new independent members appointed by the Home Secretary in August this year: a consultant with the National Witness Service and Victim Support; a barrister specialising in asylum and human rights; a management consultant involved in community housing projects; a research fellow at a London hospital, specialising in community treatment for the severely mentally ill; a recently retired Detective Superintendent of Police; a bureau director for CAB previously with the Commission for Racial Equality.

It is perhaps worth adding that this year's intake of new independent members were selected from over 400 applicants. The job that they have taken on involves two distinct roles: the interviews with prisoners mentioned above, and sitting regularly on all of the different decision-making panels dealing with the release and recall of determinate and life sentence prisoners. It is important to stress that where a member has conducted the interview, he or she never sits on

the panel which takes the decision on that particular prisoner.

The report by the interviewing parole board member has two main functions: to check that the contents of the dossier are accurate and clarify or expand on any issues which may help colleagues on the panel in their risk assessment. More importantly for the prisoner, it is a chance to put his or her side of things. In addition the interview is an opportunity to explain the parole process and for the prisoner to put a human face to the Parole Board. The combined experience of interviewing members — who together conduct in the region of 5,500 interviews a year — is that prisoners both welcome and are often reassured not only by the personal contact, but also by the fact that it comes from someone with an independent professional background. It is not uncommon to be greeted by an interviewee along the lines of 'Ah, so you're my independent member'. It's a two-way process, and

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regular contact with prisoners and prisons also helps the interviewing members. On average they will do about 15 interviews a month spread over a small group of local prisons. Independent members are specifically linked to one of the 13 prison areas across England & Wales, depending on the interviewing needs of that area. The Board values highly its involvement in prisoner interviews, but recognises that increasingly others see it as an expensive luxury. Hood and Shute, in *The Parole System at Work*, argue that the degree to which interviewing members' reports change panel decisions is minimal. While it is accepted that the interview itself serves an important purpose, and indeed human rights considerations suggest that where prisoners do not have the option of speaking for themselves at an oral hearing they must have the alternative of the interview and report, Hood and Shute question whether it is necessary or indeed appropriate for this time consuming and expensive process to be carried out by the Board (Hood and Shute 2000).

Whatever the future holds for interviews, the principal role of risk assessment on decision-making panels remains assured. Independent members together with probation and criminology members form a group who during the course of their appointment (a maximum term of six years) are eligible, and expected, to sit on all types of panel. These now consist of no more than three members including a chairman, often an independent member, but are constituted differently according to the type of sentence the prisoner is serving, and the issue to be decided. The majority of panels still take place 'on paper' (5,500 a year) but recent changes in the

law mean that there will be an increasing demand for oral hearings. There isn't space here to cover the detail of all the various types of panel but the underlying dynamic is the same in all of them. All categories of member play an equal part in the crucial risk assessment and decision making process. Panels work as a team and decisions tend to be taken by consensus following discussion rather than argument.

In considering the specific contribution of independent members, it is not so much that they represent a particular perspective as a group, but that each member of every panel, whatever their professional background, brings their own particular experience and expertise to bear on the individual in question. It is a constant learning and informing process which extends far beyond the one-day, three-member panel. The Board also draws on the diversity of its members for a variety of corporate purposes in terms of running the Board, formulating policy,

developing research and training initiatives. At the time of writing, the Board is facing more change than ever before in its 35 year history. The government's plans for reform of the criminal justice system, combined with recent European Court decisions, suggest a Board which may look very different in even five years' time, operating more like a court or tribunal and focusing primarily on serious and dangerous offenders. Whatever the future, it is clear that independent members will continue to play a key role, both in practice and in terms of public perception, bringing as they do a rich diversity of experience and expertise to complement that of their colleagues.

**Jo Dobry** is a full time independent member of the Parole Board. Appointed in 2001, she has additional responsibilities for the Board's Press and PR. A barrister and journalist, the first half of her career was principally with the BBC as a reporter and producer for Radio 4. She was called to the Bar in 1995 and then spent five years as a member of the Police Complaints Authority where she initiated a project to introduce restorative justice into the complaints process.

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