

Justice Committee

Oral evidence: Pre-commencement hearing: Chair of the Parole Board, HC 1649

Tuesday 30 October 2018

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Members present: Robert Neill (Chair); Mrs Kemi Badenoch; Bambos Charalambous; David Hanson; John Howell; Gavin Newlands; Victoria Prentis; Ellie Reeves; Ms Marie Rimmer.

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Witness

[I](#): Caroline Corby, Interim Chair, Parole Board.

Examination of witness

Witness: Caroline Corby.

Chair: Ms Corby, welcome. Thank you very much for coming to give evidence to us. May we start with the usual declarations of interest that we always have to make? I am a non-practising barrister and a consultant to a law firm.

Victoria Prentis: I am a non-practising barrister. For many years, I worked for the Treasury Solicitor's Department, where I conducted law on behalf of the Parole Board, among others.

Ellie Reeves: I am a non-practising barrister.

Bambos Charalambous: I am a non-practising solicitor.

Q1 **Chair:** Ms Corby, congratulations on your appointment.

Caroline Corby: Thank you.

Q2 **Chair:** You have been acting in the role for a while.

Caroline Corby: I have—since April.

Q3 **Chair:** Indeed, and you have been a member of the board for some time. You are already there, have been confirmed in post and have been acting as interim chair, so you have seen the position of the board. Given that



you have been doing that since the spring, what are the main challenges that you have picked up? They may include, not least, the circumstances in which you came into the post.

Caroline Corby: They were certainly challenging. I think that the challenges have changed. I will talk about the initial challenges when I took over the role and those we are facing now.

When I took over the role, it was obviously a very difficult period for the organisation. We had the Worboys case, if I can call it that, which was the first time in our 50-year history that a release decision had been successfully overturned. It was a very significant event, and our chair departed shortly thereafter.

Those were difficult circumstances. There was quite a febrile atmosphere, if I can put it in that way. I was very keen to calm things down, to get us off the front pages and to rebuild confidence in the organisation, because confidence had undoubtedly taken a knock—partly external confidence in the organisation, but also our internal confidence. We saw that in our release rates going down. I was a little concerned about that. We do not have a target release rate, but it seemed to be indicative of a lack of confidence within the organisation.

Q4 **Chair:** There was a risk-averseness as a consequence of the case.

Caroline Corby: That is right. When an organisation is criticised in the way in which we were, you can have a collective loss of confidence. I think that that happened a bit.

That was the focus initially. We have moved on from those days. I am very keen to communicate to everybody that, although the Worboys case was a very important case for us, of course, and has led to some quite substantial changes, sometimes these very difficult cases are indicative of systemic failure—you lift up the stone and see a whole load of ghastly things that you do not like—and sometimes they are just very difficult cases, with very particular characteristics. I would put the Worboys case in the latter category. We are actually a high-performing organisation. I was very keen to communicate that not only externally but internally, to reassure ourselves, in a sense.

I felt that that was the initial task. Since then, I think that the organisation has been doing well. We do not have a backlog, which is something that has plagued us for a very long time, but we have an issue with adjournments and deferrals. That is my focus going forward. I can talk about that a bit more later, if you would like. I want absolutely to make sure both that we stay on top of the backlog and do not go back to the bad old days, and that we address adjournments and deferrals, specifically deferrals.

I have two more priorities. The second is that a number of reviews of the Parole Board are going on. I welcome those reviews. In a sense, they are a once-in-a-decade opportunity to look at our rules and to make sure



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that we have something that is fit for purpose. It is very important that we engage with the Department and come out at the end of this year with a set of rules that really suits us.

My last priority is to make progress on increasing the ethnic diversity of our Parole Board membership. We have a real issue there, particularly when you think of the Lammy review and its findings. We have 240 Parole Board members, and only 13 members with a BAME background. That is very low. We will have a recruitment round in 2019 to try to address that.

Those are my priorities at the moment.

Q5 **Chair:** You have three years as an appointment.

Caroline Corby: Yes.

Q6 **Chair:** What is the timeframe for dealing with these issues, some of which are probably much more pressing than three years?

Caroline Corby: We have ongoing engagement with the reviews. I have met the Secretary of State. Senior civil servants and the Parole Board executive are in frequent dialogue to try to get a good outcome to the reviews. When they come back is in the Department's hands, but my understanding is that the plan we are working to is that it will be towards the end of this year. I think we are having very positive conversations. I am very optimistic that we will end up with a set of rules that really suits the way in which we want to work and makes sure that we can run an efficient system.

I would say that adjournments and deferrals are an 18-month project. Would you like me to talk a little now about what we are doing there?

Q7 **Chair:** Please do that now.

Caroline Corby: When Nick Hardwick and Martin Jones came to see you last year, the adjournment and deferral rate was about 35%. It has since gone up—it is about 42%. We think that a little bit of that is the Worboys effect. Generally, people are getting a bit more cautious and are saying things like, "I want to make sure that I have absolutely everything that I need in the dossier." We are also doing a lot of work to separate out adjournments and deferrals, because they are absolutely not the same thing, and they come with different issues. Would it be helpful for me to be clear about what the differences are, or do you think you are all clear about that?

Q8 **Chair:** Yes, please do.

Caroline Corby: A panel receives a case. We normally have up to three members on a panel. Most cases are decided in oral hearings, if somebody is going to be released. When a panel receives a case, it will go to an oral hearing and, hopefully, make a decision. However, at some point between receiving the case and getting to a decision point, it might



discover that it cannot make a decision. There might be outstanding reports relating to risk that it has not yet received, there might be issues with witnesses, or there might be issues that come up on the day. That is slightly the world we work in. For instance, when members get there, they may discover that there is recent intelligence about a prisoner's behaviour that causes some concern and that they need to get to the bottom of that. There can be a host of reasons.

A deferment is when a panel says, "Okay, we can't make a decision. Effectively, we are putting this case back in the pot. It will get relisted." An adjournment is when the panel says, "Okay, we can't make a decision, but we are going to keep it to ourselves. We will move this case through to a decision point." We have a project called COMPASS, which started in 2017 and is trying to unpick the issues around deferrals and adjournments. What we are realising is that, actually, adjournments are good for the organisation. They are much better, because if a panel keeps hold of a case there is some case ownership, there is a bit of case management and we can get the case brought to a decision. Very often, we can resolve these cases without reconvening the panel, as we can sort them out on paper. There might be one outstanding report. When you receive it, it confirms what you thought, and you can make a decision.

Q9 **Chair:** You can do it all by email.

Caroline Corby: Exactly. With deferrals, the case goes back into the pot. It can take some time to relist it, and some of the issues can happen again, so you do not get the same case management.

Deferrals are what we are really keen to do away with. Twenty per cent. of our cases are deferred on the day, which is the most expensive and inefficient approach.

We are piloting a new way of working, to encourage panels to adjourn rather than defer. We have had a pilot involving about a quarter of our chairs. We have 80 chairs. The pilot saw on-the-day deferrals drop from over 20% to 2.5%, which is great. We want to continue with that way of working. Now, up to 50% of our chairs are working in that way, and we are planning to roll it out.

We also want to learn lessons as we go along, to make sure that this is the right way of working. When we come to you and, indeed, to the management committee in the future, we will not say "deferrals and adjournments." We are separating them out, because they are different issues, with very different characteristics.

Q10 **Chair:** Good. What percentage of your chairs are legally qualified?

Caroline Corby: I do not know that. We have around 240 members. I believe that about 65 are judicial members, but there might be other people with a legal qualification among what we call independent members.



Q11 **Chair:** It ought to be quite a chunk. If the case involves any matters of controversy or sensitivity, do you normally seek to have a judicial member on or chairing the panel?

Caroline Corby: We allocate cases to panels depending on the skillset that we think is required. If there are particular legal issues, we will seek to have a judicial member on the panel. Sometimes we will have a specialist member, who might be a psychiatrist or a psychologist. We try to fit the appropriate skillset to the issues involved in the case.

Q12 **John Howell:** You have answered some of the questions about how you want to improve the performance of the Parole Board. However, I want first to give you an opportunity to comment on that issue.

Caroline Corby: On how we are going to improve the board's performance?

John Howell: Yes.

Caroline Corby: Generally, I am pleased with the performance of the organisation. When I joined the organisation in 2015, it was still reeling from the Osborn and Reilly judgment. I was not at the board at the time, but I think it came as a shock. There was a lot of catching-up to do.

We were plagued by a backlog, which had a number of extremely troubling consequences. First, it meant that we were constantly chasing our tail, which is never a good way of operating. It also meant that we were paying out huge amounts of compensation to prisoners. We were paying in excess of £1 million in compensation to prisoners for late hearings. Most importantly, of course, it meant that prisoners were waiting an awfully long time for hearings—longer than they should have been waiting.

A real focus has been to get on top of the backlog. The executive team, led by Martin Jones, deserves a huge amount of credit for the work it has done. We have got on top of the backlog. That is a key issue. I am keeping a very beady eye on it, because we certainly do not want to go back to the bad old days.

As I have said, the next tranche of work is to focus on adjournments and deferrals. We will never get those down to zero—we need to be realistic about that—because we operate in an environment where things can sometimes be a little chaotic. Prisoners do not always behave in the way you hope they would in the run-up to their hearing. We have to deal with those issues and might get intelligence late in the day, so we will not get adjournments and deferrals down to zero, but I think we can make substantial progress.

This is what I am looking to the management committee and our executive to do. About two and a half years ago, we came up with a plan for dealing with the backlog. We had milestones that we monitored. Actually, the executive team always met or exceeded its milestones. I



want to see the same thing now. We really feel we understand the adjournment and deferral issues. I want to see similar milestones over the next 18 months. We need to agree where it is realistic to get to and the timeframes within which we want to get there.

Q13 John Howell: What are some of the problems that you are going to encounter on that journey?

Caroline Corby: When it comes to dealing with adjournments and deferrals, psychiatric reports, and reports in general, are often why cases get deferred. You simply do not have the papers. We have a pilot scheme where we are working with five prisons, I believe, where we have had particular issues to try to get on top of those issues.

Another issue, which was an issue in the Worboys case, is the quality of the dossier. We are working hard with PPCS to try to improve communication around dossiers, to make sure that we get dossiers that serve our panels well. In fairness, the panel in the Worboys case was not well served by the dossier that it received. We are doing quite a lot of work on dossiers.

The other area that can be problematic is compliance with directions. A panel might direct that it wants something in particular, but that does not happen. One thing we would like to get out of the reviews—I am not sure that it will be possible in the short term—is some kind of power so that, if we direct something and it does not happen, we have some teeth, instead of having to beg. My understanding is that the rule changes can go through under secondary legislation, but getting such a power would require primary legislation and, therefore, some parliamentary time. We hope that we can get that at some stage, as it would be terribly useful.

Chair: That is fair enough.

Q14 Victoria Prentis: My question follows on from your comments about the relationship between the Department and the Parole Board. Nick Hardwick was sacked, effectively. We have to be clear about that. It was a politician-induced mess, if you like. It was an IPP prisoner. As you have just said, clearly, the quality of the dossier was not good enough, and the court was not very impressed by it. Do you think that there are sufficient guarantees in the system of your independence, as chair, to make your position tenable?

Caroline Corby: I would say there are. To me, the independence that absolutely matters is that our Parole Board members can go into an oral hearing, or consider a case on the papers, and make the decision that they think is right, without any risk of interference. That absolutely does happen.

Beyond that, from the point of view of independence it is very important that the Parole Board chooses how to populate its panels. It is important that nobody interferes in that process—and they do not—and that we



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have sufficient control over our processes and procedures. I think that we do.

I think that we are an independent organisation. That is certainly an issue that was looked at in the Brooke judgment in 2008, which said that we are a court-like body and that that ought to be respected. There is also the more recent Wakenshaw judgment.

Q15 **Victoria Prentis:** That came out this summer.

Caroline Corby: Yes, on 8 August. It is a stayed judgment, but it said that there ought to be some changes in the chair's contract, so that there is a process. It is in my contract that there is such a process.

Q16 **Victoria Prentis:** It is in your contract already.

Caroline Corby: It is in my contract, anyway. The contract that was given to me has that kind of process in it.

Q17 **Victoria Prentis:** That is very interesting. Thank you very much for sharing that with us.

When he left, Professor Hardwick made some suggestions about the way in which things should move forward in the immediate future. He made some comments about the way in which dossiers are prepared, about whether members should have security of tenure and about the powers that the board should have to summon witnesses, for example, and to obtain evidence. Broadly, are those comments you agree with?

Caroline Corby: Tenure is a bit of a mess at the moment, in truth. We have people on three-year, four-year and five-year tenure. If we could move to a more consistent way of looking at tenure, that would be helpful. In the Wakenshaw judgment, there are also some issues about tenure. We have been in conversations with the Department. I think that those are going in the right direction.

Q18 **Victoria Prentis:** If the Committee were to make a recommendation, would you like us to recommend four years or five years—or would you rather not say?

Caroline Corby: My understanding is that the Wakenshaw judgment says that a combination of a relatively short tenure, in some cases, and the lack of a process if you want to remove somebody is an issue. The issue is that combination. We are in discussions about tenure. As I have said, it is not helpful to have all these different tenures. We are having discussions, which I think are going reasonably positively.

Q19 **Chair:** You would look to have a standardised length of tenure.

Caroline Corby: That is right.

Q20 **Victoria Prentis:** But you do not want to say what length you think that period should be.

Caroline Corby: We are in discussions at the moment. It is probably—



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Q21 **Victoria Prentis:** Okay. We will keep out of it.

Caroline Corby: I think that no comment might be best.

Q22 **Chair:** May I push you a bit? Three years is quite on the low side, isn't it?

Caroline Corby: Three years is short. We would like to see a maximum as well, but I think that three is short.

Q23 **Victoria Prentis:** That is very helpful. Do you feel that you have sufficient access to your own independent legal advice, with the Treasury Solicitor's Department or others?

Caroline Corby: About six months ago, we had legal advice. I have to be a bit careful. We could do with higher-quality legal advice, and we now have that. Somebody joined us about six months ago.

Q24 **Victoria Prentis:** An in-house lawyer.

Caroline Corby: An in-house lawyer. I believe he came out of the Government Legal Department. He has been a great recruit. We are very happy to have him there.

Q25 **Victoria Prentis:** So you do not have the day-to-day contact with the Treasury Solicitor's Department that perhaps existed 15 years ago.

Caroline Corby: No, I do not think so. We now have in-house, high-quality legal advice. My sense is that we are comfortable with where we are now in a way in which we were not six months ago.

Victoria Prentis: That is very helpful.

Chair: That is very useful.

Q26 **David Hanson:** Since May this year, we have had a change in rule 25, which has come out of the Worboys case, in particular. How many victims have applied for information under rule 25?

Caroline Corby: The figure that I give you will always be wrong, because it is going up all the time.

David Hanson: That is fine.

Caroline Corby: Since 22 May, we have been able to issue summaries. That is only going forward; we cannot issue summaries for cases that concluded before 22 May. Since then, we have had over 1,400 requests for summaries from victims. I believe that we have issued around 500. To be clear, the difference between those figures is not a backlog. At the point at which we list a case, we ask victims whether they want a summary. The reason we have not yet issued summaries is that those cases have not yet reached a decision.

Q27 **David Hanson:** How many third-party requests have you had?



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Caroline Corby: We have had six requests from the media. I think that they are associated with three cases. They all come to the interim chair, because a victim gets them by right, but anybody else has to request them and there has to be an assessment of whether it is in the public interest. The number is quite low. I have been surprised by how low the number of media requests has been.

Q28 **David Hanson:** How have you handled the media requests?

Caroline Corby: I have said yes. My inclination is always to want to say yes. I want us to be more transparent. There was one victim to whom I said no, because there were issues that it would not be appropriate for me to get into. I believe I have said yes to every media request.

Q29 **David Hanson:** Do you consult the victims on third-party requests?

Caroline Corby: No, I do not think that we consult them; I think that we let them know. I think that that is what happens.

Q30 **David Hanson:** In essence, how do you think that the system is working post 22 May?

Caroline Corby: I think that the system has worked extremely well. Obviously, there were a number of difficulties with the Worboys case, but a positive has been the relaxation of rule 25 and the fact that we are now able to give reasons for our decision. In retrospect, it looks a bit ludicrous that for 50 years we have not been able to explain ourselves. That seems pretty odd.

I think it has gone well. The fact that 1,400 people have requested summaries shows the appetite for victims to understand the reason for our decision. There was a low-level concern that victims might take a lot of these cases off to the press—which they are perfectly entitled to do, although it may not be helpful—but they have not done that. On the whole, the media that have requested summaries have used them very much as the basis for articles that have been written. It has therefore helped understanding of our work. Overall, it has been very positive.

I also want to pay credit to the executive team. Understandably, we were not given very long to make this change. It was a huge cultural change for the organisation, which had operated behind a curtain, if I can put it in that way, for 50 years, but it was also a big logistical change for us. I think that it has gone well.

Q31 **David Hanson:** What has been the cost of the exercise to the organisation?

Caroline Corby: I will give you an estimate. I think that it is up to about £200,000. If you want that information, I can certainly write to let you have it. The agreement is that we will get additional funds to cover that cost, because obviously it was not included in our budget at the time.

Q32 **David Hanson:** You say that there will be additional funds. What is the



assessment of how much that will be over a year?

Caroline Corby: I am afraid that I do not have that figure in my head. I am happy to write to the Committee, if that would be useful.

Q33 **Victoria Prentis:** How is the information provided to victims? In particularly sensitive cases, do you liaise with the police liaison officer, for example?

Caroline Corby: When we are listing, we ask the victim whether they want to receive a victim statement. Almost all victims say yes. In terms of numbers, we expect it to get to about 20% of our oral hearing case load. Ordinarily, the victim will get the decision within roughly two weeks of the prisoner becoming aware of it. If it is a high-profile case and there is any risk that the victim might hear through a different route before they have been given the summary, which is absolutely not what we want to happen, we have procedures to ensure that the victim will get it on the same day as the prisoner, so that we do not get into the position that happened in Worboys.

Chair: That is very helpful.

Q34 **David Hanson:** I have one final question. Obviously, the information is provided to the victims. Do you have any assessment of what they have done with that if they disagree with the Parole Board's decision?

Caroline Corby: No. It is still early days. We have had some informal feedback. For instance, I have had discussions with Sonia Crozier, the head of the NPS, who sits above the victim service, about what victims feel about the information they are getting. That was pretty positive, but it is very early days. We want to go through a formal assessment process at some stage—probably in early 2019, I imagine, or when we have been going for about a year—to see whether we are giving victims the information they want.

There is quite a delicate balance here, because we need to respect the privacy of a prisoner, particularly around things like mental health issues, which may be in play. We also do not want these letters to be very traumatising for victims or their families. We do not want to rehash the details of the original offence. We want to be quite focused on the reasons for our decision. Therefore, the summaries are very much focused on why we have made our decisions, while respecting the various elements I have referred to. We will want to talk to people like the Association of Prison Lawyers to see whether we are doing it right. Our sense at the moment is that there is not a big hue and cry to suggest that we are not, but it would be appropriate for us to have a detailed look at it.

We are also going to have a detailed look at how we do this internally. We put some rapid processes in place to make sure that we could meet the timetable, but we might think about whether there should be changes. Is it appropriate that at the moment we get Parole Board



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members to write these decisions and then get the chair to check them? Should the secretariat do more? I am open-minded, but we want to look at that again.

Chair: That is helpful.

Q35 **Ms Marie Rimmer:** What update can you give us on the comprehensive review of the Parole Board rules that was announced earlier this year?

Caroline Corby: The rules review is happening right now. Do you mean the internal review mechanism, or the rules review, or both?

Q36 **Ms Marie Rimmer:** Both, please.

Caroline Corby: I will start with the rules review. We operate under a framework of 27 rules. This is not a public consultation, but we are having discussions with the Department about how we might improve that set of rules to make it more effective for us. The focus of those discussions is partly on control over the dossier. We would like to improve our control over the dossier, because there have been some issues with that.

We are looking at some of the timeframes in the generic parole process, to see whether we can make improvements there. It is all quite technical, in a way. As I mentioned, we would like to be able to enforce our directions, but that would require primary legislation. We are also looking at ways of avoiding late requests for non-disclosure, for example. There are lots of issues that are quite focused on timeliness.

I would like the rules to allow us to think about where we want to go with respect to transparency. I think that we are at the start of a journey, not at the end, in being able to issue decision summaries. I would like latitude for the Parole Board to be able to think about where it wants to go. The new consideration mechanism will come in as part of the rules.

The final issue is not strictly part of our rules—it came out of a direction that was given by Secretary of State Chris Grayling—but I know that it was raised with Martin Jones when he was here two weeks ago. If we could see some relaxation on the restriction that prevents prisoners who have ever absconded from being eligible for the open estate, that would be helpful, because it impacts on about 400 prisoners in the estate. Often those are the people with the most complex needs, and the people whom it would be helpful to test in the open estate. I hope that we can pick that up as part of the rules, although it is not strictly a rule, but a direction.

Q37 **Ms Marie Rimmer:** Can you update us on plans to allow Parole Board decisions to be challenged without judicial review?

Caroline Corby: Through the internal review mechanism?

Ms Marie Rimmer: Yes.



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Caroline Corby: That was a public consultation. It closed on 28 July, and the Parole Board responded. Our response was a matter of public record and has been put on the website. It is fair to say that we had concerns about what was originally proposed. The danger was that it was quite a cumbersome process, which looked like it could be very expensive and time-consuming and, potentially, could lead to our double-handling an awful lot of cases.

My concern about it was, partly, that I did not think that it was a good way of building public confidence in the Parole Board. It was applying a judicial review test, but we do not expect many of those to be successful. I did not think that it was a good way of building confidence to have hundreds of victims thinking, "I will activate this," but for there to be no change in outcome. I was also very concerned that it would involve intensive use of our Parole Board members and might lead to our having a backlog again.

We responded to the Department with our thoughts. We want an internal review mechanism, but one that is more proportionate to the issues. The conversations we are having are going very positively. I think that we will end up with a set of rules, including an internal review mechanism that suits us, towards the end of this year.

Chair: That is very helpful.

Q38 **Ellie Reeves:** You talked about the fact that you have met your target to clear the backlog of hearings that developed after the Osborn judgment. That is great. Do you think you will be able to reduce further the number of oral hearings in the future?

Caroline Corby: No, I do not think we will. We are seeing the very initial stages of extended sentences, but in order to be released in the last third of an extended sentence you will need a Parole Board hearing. We think that that could be quite a significant piece of work for us. I do not know whether these figures will be correct, but I have seen early numbers that say that we might have to go up to 10,000 oral hearings a year. We are currently at just over 8,000. That is over a five-year period, depending on quite how the cases pan out. I would not expect the number of oral hearings to go down. It might go down a little, because we have got rid of the backlog, but there are other forces that mean that other work is coming our way.

Q39 **Ellie Reeves:** Are you doing any planning to accommodate that?

Caroline Corby: That is exactly what we are doing. We are in discussions with the Department about what is likely to be coming our way and how we can make sure that we are geared up to deal with it.

Q40 **Ellie Reeves:** Osborn took the Parole Board by surprise.

Caroline Corby: That was a bit different, because it was a judgment that said, "Hold on. You have got to hold many more oral hearings." The



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organisation was not expecting that, and it was a surprise. This ought not to be a surprise, because these are people in prison, with a particular sentence. That should not come as a shock to us.

Q41 **Chair:** It is quite predictable, isn't it?

Caroline Corby: Yes.

Q42 **Mrs Badenoch:** Your annual report states that the number of IPP prisoners has fallen, but legislative change may be needed. Will you elaborate on that? What form should the change take?

Caroline Corby: In a sense, that is not for us. We operate the rules as they are. What I can say is that, at its peak, there were over 6,000 IPP prisoners. That has come down to 2,800 today.

I do regular observations at Parole Board hearings. I have done quite a few IPP cases, because often they are cases that are quite stuck and that have quite a few adjournments and deferrals, and I want to understand the issues. When you go and see IPP cases, it sometimes feels as if people are stuck and are losing a bit of hope. As a result of that loss of hope, they disengage from rehabilitation, which does not help the process of trying to release people. It can be quite problematic. We see very high recall rates with IPPs as well.

This is a challenging sentence. It will have a long tail, although it stopped being used in 2012. In a sense, we cannot solve that problem. We operate the rules as they are.

Q43 **Mrs Badenoch:** When you say that legislative change may be needed, what you are saying is that you are not sure exactly what that should be, but that you think that that is where the solution will come from.

Caroline Corby: If there is not legislative change, and IPPs have lifelong licences—which they do—you will have a lot of IPPs in the system for an awfully long time. There are options. If you had legislative change, some people might be resentenced. Those sorts of things are available, but we operate the rules as they are. We can highlight some of the issues, but it is for legislators to come up with the solutions.

Q44 **Mrs Badenoch:** What more are you thinking of doing to tackle the issue of getting the numbers down?

Caroline Corby: In difficult cases, we are encouraging our Parole Board members to have a case management role, within appropriate confines, to get a case decision-ready. That does not mean release. We should be very clear that there are some IPPs who may never be released. We risk-assess people. We release people, or move them on in the system, only if we think that it is appropriate to do that. We are working very closely with the Department to make sure that we identify where people need particular work to be done in order for them to have any chance to progress.



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It is worth saying that often IPPs are very complicated people, with extremely complex needs. If an IPP sentence had not been available during the seven-year period in which it was used, some of them may well have got life sentences. That is not true of some people. It is a complicated issue.

In fairness to Nick Hardwick, he came into the Parole Board with a real passion about IPPs and a desire to do something about the issue. He energised the work in that area. Inevitably, you deal with the easier cases first. We are now getting to the really tricky 2,500-odd people who are in the system and, in some cases, revolving in and out of it.

Q45 Chair: Have you been able to detect any pattern for why there is such a high level of recall of IPP prisoners?

Caroline Corby: No. I am probably not close enough to the detail to be able to come up with a pattern. All I can say—this is quite anecdotal—is that when I have gone to see IPP prisoners I have found that they are often people with extremely complex needs. It is often quite hard to meet those needs in the community on a sustained basis. Therefore, people get recalled.

Q46 Chair: The other thing that really strikes people is the percentage of IPP prisoners who are very significantly over tariff.

Caroline Corby: Very significantly. Only last week, an issue came to me with respect to a case where somebody had received a two-year tariff and is still inside. The sentence has not been used since 2012. I think that he was 10 years over tariff.

Q47 Chair: What interventions can you make in cases of that sort? Obviously, you have to base them on the evidence.

Caroline Corby: In the end, of course, our Parole Board members are assessing risk. That is what we do. If a risk profile has not changed very much, a prisoner will not be released or progressed. What we can do is highlight what needs to be done in order to see progression. That is what we are doing. That is why I am saying that there is a bit of a case management role. I know that there is joined-up working with the Department on these particular stuck cases in order to move them through.

Q48 Chair: Sometimes it is about putting priority into the prisons to make sure that prisoners get access to the courses, which are the evidence to show that they have progressed.

Caroline Corby: That can be an issue. Therefore, we would highlight where somebody had not done a course and we did not have a particular intervention.

Q49 Victoria Prentis: On that point, yesterday we visited HMP Birmingham, where there are a significant number of sex offenders, with no access at all to sex offender treatment work. To what extent do you think that the



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lack of provision of courses is affecting people's progress?

Caroline Corby: Undoubtedly, it must be the case that Parole Board panels put some weight on whether people have done courses. Therefore, if people cannot and have not been able to do courses, that will not assist them in getting a positive release decision. That must be the case.

Q50 **Victoria Prentis:** Do you feed that back regularly to the Department?

Caroline Corby: It would be at executive level, rather than my level. I know that Martin Jones has very strong links with the Department. I am sure that we feed back those concerns.

Q51 **Victoria Prentis:** May I ask you to think more widely about that in the course of the next year with the team you work with? We would be very interested to hear from you about it.

Caroline Corby: Do you want us to see whether we can collect data on when this is causing issues?

Q52 **Victoria Prentis:** On when it is causing issues for you. That will then at least be measurable.

Caroline Corby: Okay.

Q53 **Victoria Prentis:** It would be a very useful tool for us to be able to talk to the Department about.

Caroline Corby: That is specifically on cases where a course has not been available.

Q54 **Victoria Prentis:** Where a course has not been available or provided to a prisoner, and it is definitely affecting their lack of progress.

Caroline Corby: I will see what we can do on that.

Victoria Prentis: That would be really helpful.

Q55 **Bambos Charalambous:** I was very pleased to hear that you have prioritised implementing some of the Lammy review measures, such as recruiting more Parole Board members. How have you gone about trying to have more diverse board members for 2022?

Caroline Corby: We recruited in 2016, after a long period of four or five years in which we had not been able to recruit. We had a big recruitment in 2016. We recruited 100 new members, which was very significant for us. They came in and were trained in two tranches in 2016 to 2017. We already knew that we had an issue with ethnic diversity among Parole Board members. At the time, we wanted to increase the ethnic diversity, but we really did not succeed.

I was looking at some of the figures, because we are about to do it again and I do not want us to make the same mistakes. We had around 1,000 applicants for the 100 places that we filled. About 850 applicants were white, and 150 had a BME background. Eleven per cent. of the people



who were white got selected, but 3% of the people from a BME background got selected.

Therefore, something went wrong. We went through a five-stage process, partly because we had so many applicants and could not interview everybody. People from a BME background fell out disproportionately in the first two stages, the first of which was a computer multiple-choice test—I am sure that it is not called an intelligence test—and the second of which was case-based work. BME candidates did not do well in those stages. That is a concern for us. There must have been some kind of bias there that we do not really understand.

This time around, we are having a different recruitment, anyway, because we are not recruiting across the country. For instance, in the south we have more than enough Parole Board members. Therefore, we are going to have a regional recruitment. Because we will have a much more regional focus, we will not have anything like the same numbers and will not be inundated. We will also not do the two rounds that, clearly, for reasons that we do not understand, hit people from a BME background disproportionately. We will have a different approach to recruitment.

I am absolutely determined that we will increase the ethnic diversity of the Parole Board's membership. The Lammy review tells you that confidence in the criminal justice system among people with a BME background is low. One of the reasons for that is that key decision makers are disproportionately white. That is also true of the Parole Board. We are key decision makers, so we really have to deal with this.

The other finding of the Lammy review was that there are differential outcomes. It is not just a perception issue; there actually are differential outcomes. That is the case in the Parole Board as well—not to anything like the extent that you see in other parts of the criminal justice system, but we still see it. That is a concern to me.

Q56 Bambos Charalambous: You broke down the oral hearings that you have by ethnicity. What were your conclusions?

Caroline Corby: The figures I have seen show that we have a long-term release rate of about 49%. We do not have a target release rate, but that is what it looks like over a long period of time. If you are white, it is a 50% release rate. If you are black, it is a 44% release rate. There is a 6% difference.

The other thing that I should have said when talking about the make-up of our Parole Board membership is that currently we do not have a single black Parole Board member. That is clearly not acceptable. We need to do something about it.

Q57 Chair: That is very interesting. Thank you very much. That was extremely helpful, Ms Corby. Thank you for your time. I hope that we can



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have a constructive relationship going forward.

Caroline Corby: I would like that very much. I know that you have taken an interest in our work.

Q58 **Chair:** Indeed. That is great. Thank you very much for being frank with us—you have been very helpful today—and for volunteering to come back. We will drop a note with the particular issues on which you were helpfully going to send us some further information. We look forward to seeing you in the future.

May I ask you to take a message back? We appreciate the work that all the members of the Parole Board—both your executive team and other members—do.

Caroline Corby: I will pass that on to them.

Chair: It is a tough decision that has to be made, but it is a very necessary one. We wish you every success in your tenure of office.

Caroline Corby: Thank you very much.