

insideinformation – fact sheet

Parole for Children and Young People Re-produced courtesy of the Parole Board

What is the Parole Board?

The Parole Board is an independent body that decides who may safely be released into the community and who must stay in or go back to custody. The Parole Board decides whether to give prisoners serving long prison sentences early release. Early release is also known as Parole. The Parole Board deals with about 20,000 cases each year. Only a very small number of cases are about people under 18. If you are given Parole you will be on a licence. This means that there are certain things you will have to do and some things you will not be allowed to do. This should be explained to you by your Youth Offending Team worker (YOT) and the staff at prison. You will be told that if you break the rules on the licence you may be sent back to prison. You will only get out again when the Parole Board says you are safe to come out or when your licence comes to an end. There are five reasons why the Parole Board may need to be involved in deciding when you can be released. There are four types of sentences handed down by the Courts where the Parole Board may be involved and the Parole Board will also need to look at your case to decide on whether you can be re-released if you have been recalled to prison on one of these sentences. You should always have an adult to help you with your application for Parole and you are also allowed to have a solicitor to help you prepare. It is usually a good idea to get a solicitor to help you as a solicitor should know what the Parole Board must think about when they make a decision. You can ask the solicitor you had at your trial or you can ask your key worker or personal officer to help you to find a solicitor who can help you. Most young people under 18 will be able to get help from a solicitor for free under the legal aid scheme. The Parole Board has around 170 members who are like judges. They will make the decision on your case. Each case will be looked at by three members together. Members might have worked in courts before or they might be people that have worked in prisons or hospitals. The Parole Board has an office in London. Decisions will either be made by members looking at papers about you or the three members will come to your prison or centre to hold a hearing where you will meet them. You never go to the Parole Board's office in London. The law says that the Parole Board cannot let people out if they are likely to commit further offences.

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If you want to apply for Parole or are going through the Parole process anyway, the first thing you should do is get an adult to help you. You have a right to legal advice and should ask a member of staff to help you to get a solicitor. It is sensible to get the solicitor involved as early as possible. A solicitor will be able to look at the papers prepared about you, make sure that you understand them and work out if any extra papers need to be sent to the Parole Board. A solicitor will also be able to advise you if you should ask to have a hearing instead of the Parole Board just looking at your papers. If this is the case, the solicitor can help you to ask for a hearing. A solicitor can also help you write down the reasons why you think you should be released and explain what the Parole Board is looking for. If you do have an Oral Hearing, the solicitor can come along and represent you. You may be able to get legal help for free under the legal aid scheme. You can either contact the solicitor who represented you in your court case or you can ask staff at the prison to help you to find another solicitor. The Legal Services Commission should be able to help to find you a solicitor that is specialised in this area.

What type of sentence have I got?

When the judge sentenced you, the judge should have explained what the sentence is and how it works. It can be complicated and if you are not sure your Youth Offending Team worker or a member of staff should help you. There are four types of sentence that when you are released may be decided by the Parole Board. If your sentence is not one of these, you do not need to worry about Parole. You might be able to get early release in a different way and a member of staff should tell you the dates when you may be released.

The Parole sentences are:

- (1) detention during Her Majesty's Pleasure (HMP Detention)
- (2) detention for life (Life)
- (3) detention for public protection (DPP)
- (4) extended sentence for public protection (EPP).

These sentences can only be given in the Crown Court and are for serious crimes only. There will be a time with all these sentences when you can be released on Parole and the judge should have told you when that will be. For the first three sentences above, this is called the tariff expiry date. For the fourth one (the extended sentence) it is called your Parole eligibility date or PED. The tariff expiry date or the Parole eligibility date is the earliest date that you can be released. BUT you will only be released if the Parole Board thinks that you will not commit crimes and will stick to the conditions of your licence. Remember the Parole Board does not have to release you just because you have been in prison until this time!

The first three types of sentence are called Indeterminate Sentences or sentences that are not fixed. If you have one of these, you can only be released when the Parole Board decides that your risk can be safely managed in the community and thinks that you will comply with the rules on your licence. That means you are in until the Parole Board says you are safe to come out. The first two sentences are very similar. The HMP Detention sentence is only used where someone has been convicted of murder and was under the age of 18 at the time. For both these sentences the judge will tell you when your date for Parole is and is called the minimum term or the tariff. This is the time you must spend in prison although you will spend more time in prison if you do not get Parole.

Once the Parole Board agrees you can be released, you will only be released on licence. For both the life and the HMP Detention sentences, the licence is forever. This means that you can be recalled to prison if you break the rules. The recall process is talked about below.

The third sentence, sometimes called the IPP, is similar but different from the first two. It is only given out if the crime is serious but not serious enough for a life sentence. This sentence also has a minimum time that the person must spend in prison. After that, the person can only come out if it is safe. But the licence is different. It may not be for your whole life, but will be for a very long time

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at least ten years. It can only be cancelled by the Parole Board when the Board thinks it is safe for it to be cancelled. If you do not get Parole and you are serving one of these three sentences, the Parole Board will look at your case again to see if you are safe to release. This will usually be a year to two years later. The fourth sentence called an Extended Sentence for Public Protection (EPP) is called determinate or fixed because there is a time when you are automatically released and a time when your licence automatically ends. You can also apply to get Parole half way through the prison part of the sentence. If you do not get released the first time and your sentence is long enough, you can apply again every year until the prison part of the sentence runs out. All of these sentences are designed to protect the public from young people who are considered to pose a risk of committing further offences.

Case Study 1

Andrew murdered someone when he was 14 years old and got an HMP detention sentence. The judge said his minimum term was eight years. That means he will be eligible for Parole after 8 years when he is around 22 years old. The Parole Board looks at his case when he is 22 but decides that he still has some work to do before he can be released home safely. His case will be reviewed between the age of 22 and 24.

Case Study 2

Katy attacked another young person in a nasty way when she was 15. The judge gave Katy an extended sentence with two years in prison and an extended licence of three years. Katy becomes eligible for Parole after one year when she is around 16 years old. If Katy wants to get Parole, she must apply for it. If she does not apply or does not get Parole, she will be released when she is 17 and remain on licence until she is 20.

Do I need to apply to the Parole Board?

You only need to make an application for Parole if you are sentenced to the fourth type of sentence which is called the extended sentence. For all other sentences, your application for Parole will be put in automatically by the Government. The reason for this is that the extended sentence has a point where you will be released automatically and so you need to decide if you want to apply to get out early. If you are on an extended sentence, about six months before the first date at which you can be released (your PED), a member of staff should give you a form. This will ask you whether you want to apply for Parole. You can sign the form to say you want to apply. If you do not get a form, ask your key worker or personal officer for one. Some extended sentences are quite short and so you may be given the form as soon as you are sentenced! If this is the case, you will need to ask staff to make sure that the Parole Board will have up to date information about you when they decide your case at the half way point.

How does the Parole Board make its decision?

The decision about your release will be made once the three members at the Parole Board who will make the decision have read a file of information about you and, if necessary, have held an oral hearing. The members of staff in your unit or on your wing will put together a file of papers about you, the crimes you have committed, how you have spent your time in custody and your plans on release. This file is called the dossier.

What is in my dossier?

There will be reports about your offence and previous convictions. This may include any reports written for your sentence, reports on your behaviour and progress in custody, a copy of what the judge said when you were sentenced and anything else that may help the Parole Board reach a decision. The dossier can include reports from your YOT worker, staff at the prison or the unit, reports and assessments from your social worker if you have one and any information about any sanctions or adjudications you might have had in prison. The dossier may also include information about how the victim feels about you being released. There is also a space in the dossier for you to add your own views.

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Is anything in the dossier kept secret?

In almost every case, you will see everything in the dossier that will be sent the Parole Board. But sometimes there are things that you will not be able to see. This is rare but can happen. Papers that can be kept from you might include a victim's statement or a security report.

What is the Parole Board looking for?

The people who decide if you are ready to come out will read the dossier very carefully. They will be looking for evidence of whether you are likely to commit more crimes if they let you out. Some of the things that the Parole Board will think about when looking at the papers include:

- Is it likely that you will commit another offence if they let you out? This is the most difficult question and the most important. The Parole Board will want to be confident that you have changed and that your circumstances have changed so you will not continue offending.
- Is it likely that you will comply with the rules on your licence? If you do get Parole, it will be on licence. If you have breached orders or licences in the past, this may be seen as evidence that you might break the rules of your licence.
- How much work you have done to reduce your risk by doing offending behaviour packs and courses? This will be important in showing the board that you have really changed and understand why you did what you did and why you will not do it again.
- Have you been well behaved in custody? If you have had adjudications, sometimes called nickings or sanctions while in prison, they may be seen as evidence that you would commit another offence if let out of prison.
- How much has your attitude changed about your offending? The Board will be interested in your views on your offence and the feelings about any victims.
- Where will you be living when you come out and will you be able to make a fresh start there? When you are under 18 you have less control over your home life and where you live. The Board may want to know that you are living in a different way to how you were living at the time you committed your offence or at least that you will be living in a safe and stable place where you are less likely to offend again.
- Do you have a good relationship with your YOT worker? If you are released it will be on licence and this means that you will need to work with your YOT for a long time (and possibly a probation officer the YOT for adults if you turn 18 while on licence). It will be important for the Parole Board to know that you will work with the YOT on release.
- What is the attitude of the local community where you live? This may be important if the crime you committed caused a lot of upset in the local community. If people are still upset about it when you come out of custody, it may make it harder for you to live a crime free life on release if you go back to the area. The views of the victim may also be important.

There are other things that the Board may consider. Your solicitor can go through them with you and write down your views on them so that the Parole Board has a chance to see what you think.

The decision process

Three members of the Parole Board (often called the panel) will meet to discuss your application for release. They will either do this by looking at the file without meeting you or they will come to the prison and hold a hearing. If the Parole Board decides there should be an oral hearing, it will write to you and tell you the date the hearing will take place. On the day of your hearing, up to three members of the Parole Board will come to your unit. You will have your solicitor with you. The panel will probably want to ask you some questions, and there might be someone from the Government from a department called the Public Protection Casework Section (PPCS) there who may also ask you questions. There might also be witnesses present such as your YOT worker or your social worker (if you have one). Any witnesses may be asked questions by your solicitor, the panel and the person from PPCS. You can ask for extra witnesses to come if you think they will help the panel to come to a decision. The hearing is a bit like a court hearing but you do not have

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to take an oath and no one will wear wigs or gowns. The panel will try their best to make you relaxed and comfortable. The members can ask you questions at any time. Either way, the panel will be looking at whether they think you might commit offences on licence, whether you will keep the conditions of your licence, and whether it is best for you and the public for you to be released.

How do I find out if I have got Parole?

Once the Parole Board has made a decision, you will get a letter telling you the result. You should receive the letter within fourteen days of the hearing or the date on which the panel met to decide your case. Every decision is in a letter with full reasons given.

If I get Parole, how long will it be before I am actually released?

Once you have the Parole Board decision, it will be up to your unit, your YOT worker and the Youth Justice Board or the prison to make sure the release plans are in place and to prepare your licence. You cannot be released until your licence is prepared. This usually takes a few days.

Will I get Parole if I have no address to go to?

The Parole Board has to decide whether you will commit crimes on Parole and part of that decision depends on where you are going to live and the plans that your YOT worker has for supervising you. If there are no plans, because you have no address, it makes it harder for the Parole Board to decide. If you are under 18, you should always be able to get help with accommodation from your home local authority. Sometimes, your solicitor may have to contact the local authority to make sure this happens before the Parole Board makes its decision.

If I say I am innocent, can I get Parole?

Yes. As you will only be in prison because you have been convicted, the Parole Board will assume you are guilty. But they may still be able to decide that you will not commit more crimes on Parole. The trouble is that it helps the Parole Board if people talk about their offences and that cannot happen with people who say they are innocent. That means the Parole Boards job is more difficult but it does not necessarily mean you won't get Parole. The Parole Board does release people who say they are innocent every week. In fact, if the Parole Board refuse Parole only because you say you are innocent, you can challenge that decision and make them look at your case again.

Can the victim of my crime stop me getting Parole?

Victims of crime do have some rights when you are being considered for Parole. Sometimes at the trial, victims may make a 'Victim Personal Statement' to tell the court how the crime has affected them and their family. They can also do this for Parole reviews and say why they think you may still be a risk to them or their family. The Parole Board will consider any victim statement as part of the review, and if there is an oral hearing, the victim may ask to be there and make the statement in person. If that happens, you will not usually be in the same room at the time. The Board will have to consider the victims' views but they cannot actually block your Parole. Victims' views will be one of many things that the Board will consider. If the Board decides to release you, the victims may ask for conditions to be put on your licence. For example, you may be told you cannot try to get in touch with your victim or that you have to stay out of the area where they live. If it is not my fault that I have not been offered courses or programmes, does it make a difference to my chances of Parole? Some people come to their Parole review without getting a chance to do certain courses or programmes that would help them with their offending work. For example, courses on sex offences are not that common and even if someone really wants to do the course, it may not be possible in the place the person is detained. The Parole Board will think it is good that people want to do courses, but just wanting to do the course may not be enough to show that the person is safe to be released. If the Parole Board decides that you are likely to commit crime on Parole, then they have to refuse to release you, even if it is not your fault that courses were not available. The Parole Board will look at everything you have done and everything in the dossier and decide in your case what the chances are of more crimes being committed. If you think that you need to do courses and cannot, you should speak to staff about it or contact your solicitor as soon as

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possible to see if anything can be done to help you do the right work to prepare you for release.

Will I be interviewed by member of the Parole Board before a decision is made?

Probably not. The Parole Board will only interview prisoners when they decide they need to. If this happens, you will be told.

What can I put into the dossier?

When the dossier is ready, you will be given it to read and you can add anything you want to say in writing. Your part of the dossier is called your representations. Your solicitor can help you with this. You should ask your solicitor to come and see you in prison to go through the file with you to make sure you understand it all and to help you to write your representations. If you think that anything else should be in the dossier, like a letter from someone in your family or information from your social worker if you have one, you should talk to your solicitor about this.

Can I ask for an Oral Hearing?

Yes. It is up to the Parole Board whether it holds an Oral Hearing or not. But you have the right to ask for one and if you do, the Parole Board must consider your request and decide whether one is needed. If you do not think that your file shows what you are really like or contains enough relevant information, or you think that the Parole Board would be able to get a clearer picture by hearing from you in person, you can ask your solicitor to write to the Board and ask for an oral hearing. You can also ask for a hearing if you do not think that some of things presented as fact in your file are true. If the Board decides it would be a good idea to have an Oral Hearing, the Board will come to your prison and hear from you and any other witnesses. As you do not have an automatic right to an oral hearing, only a right to ask for one, you should ask your solicitor for advice. Your solicitor should give the Parole Board as much detail as possible about what you would like to say at a hearing, whether you want to have witnesses there for your solicitor to question, and why the review cannot be done just by reading the papers. Sending off the application Once you think that there is enough information in the file for the Board to make a fair decision, it should be sent in to the Parole Board, along with any special requests like a request for an oral hearing. It is important to make sure that the Parole Board gets the file before your PED so that it can make a decision before you are first able to come out. A member of staff will send off the dossier for you.

What happens after release?

If you are released on a licence, you will have a Youth Offending Team Officer or Probation Officer. On release, you will be given a copy of your licence to read and you will need to check carefully to see what conditions are there. You have to do what they tell you to or you could be recalled and brought back to prison. You can be recalled if, for example:

- You commit another crime or are charged with another crime or are arrested for a crime; or
- You are behaving in a way that leads your YOT officer to think you might be about to commit another crime. For example, if you start drinking heavily and you often get violent when you are drunk; or
- You break the conditions of your licence.

All decisions to recall people from licence are taken by a Government department known as the Public Protection Casework Section (PPCS). If this happens to you, you will be arrested by the police and will be sent back to prison. You may not be sent back to the same type of prison. If you served your sentence in a Secure Training Centre or a local authority children's home it does not mean you will go back to the same place if you are recalled you could be sent to a Young Offenders Institution. After a few days, Post Release Section will write to you and explain why you have been recalled. A bundle of papers called the Recall Pack or Recall Dossier, including a report from the Probation Service, will be given to you to read. You then have to decide if you want to challenge this decision and you should ask your solicitor to help you. If you decide to challenge the recall this is called making representations against recall. Once you have decided whether or not

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to make representations, your case will go before the Parole Board, which will see all the papers in the recall pack, together with any representations you may have made.

What happens if I am going to be deported?

If you have been told that you will be deported at the end of your time in custody, you should immediately get advice from an immigration solicitor (which may be free under the legal aid scheme). You could be released in the same way as everyone else, although it is possible that you will be held in custody by the Immigration Service, while they make arrangements for you to be deported. Once you are released, you will be handed over to an Immigration Officer who will take you to a port or airport for you to be sent back to your own country.

What if something happens between getting my Parole and actually being released?

If you do something wrong, the Parole Board or the PPCS can cancel your Parole until a fresh panel has looked at your case again. This will mean a delay in releasing you, and may mean the Parole Board decides you cannot now be released. Your case will be reconsidered as if you did not get Parole.

Can I change the conditions on my licence?

If something changes when you are on Parole, your YOT worker can apply to get one or more of your conditions changed or cancelled.

What if I do not get Parole?

If you do not get Parole (often called a 'knockback') you can ask your solicitor to read the reasons carefully to see if there is anything you want to challenge. You cannot get the decision changed just because you disagree with it, but in some cases the Parole Board can be made to re-consider its decision. There are two ways to challenge a decision of the Parole Board.

- (1) You, or your solicitor, can write to the Parole Board explaining why you think the decision or the reasons for it are wrong. The Parole Board can reconsider its decision if information it should have had at the time was not in the dossier; or where the correct procedures were not followed; or if the reasons are not good enough. The Parole Board will not reconsider just because you do not agree with the decision.
- (2) Your solicitor can apply for a judicial review of the Parole Board's decision. This means putting the decision before the courts to see if the Parole Board has done something wrong. The courts will not take a different decision, but can make the Parole Board to consider your case again.

Recall

If you are recalled, the Parole Board has to go through a similar process to when it originally allowed you out on Parole. For people who are serving the extended sentence and are recalled, there will only be an oral hearing if re-release has been refused once the Board has read your papers and if the Parole Board agrees there should be an Oral Hearing. For people who are serving the other three types of sentence, there will usually be an oral hearing anyway. When the Parole Board is looking at a recall, it must decide one of four things. It will either:

- Order your immediate release back onto licence; or
- Refuse immediate release but order your release at a future date; or

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- Refuse immediate release and set a date to review your case again; or
- Refuse to release or review your case again.

This can happen where there are less than 12 months to go on your sentence and you will serve what is left of the sentence in prison (this will only apply to the extended sentence). Whatever the Parole Board decides, you will get the decision with full reasons for it. If the decision has been made without an oral hearing, you can then decide to either:

- Accept it; or, if you have made representations;
- Ask for a hearing in person (with legal representation if you wish) at which you can give evidence and call witnesses. This is called an Oral Hearing. You will be expected to say what you hope to argue at the hearing and why an Oral Hearing is necessary. An Oral Hearing will not be granted just because you want one. At the Oral Hearing, the Parole Board will make one of the four decisions above. If the Parole Board decides there should be an Oral Hearing, it will be the same as an Oral Hearing for an ordinary Parole application.

IMPORTANT NOTICE

Information is given on a strictly 'without-liability' basis, and should be considered for use as guidance only. If you propose taking further action based upon this information you are strongly advised to take further and more specific legal advice before doing so.

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