

Martin Jones CBE, Chief Executive

1 December 2022

Rikki Garg
Consultant Advocate
GT Stewart Solicitors & Advocates
Fleet House
8-12 New Bridge Street
London EC4V 6AL

the
Parole
Board

working with others
to protect the public

By e-mail: r.garg@gtstewart.co.uk

Dear Rikki

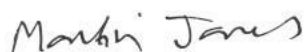
Further to recent discussions with the Association of Prison Lawyers I wanted to write to you to share with you the Parole Board's response to the Ministry's consultation on legal aid; and to put on record how important prison lawyers are to the parole system.

I attach as an annex to this letter a copy of the Parole Board's response to the legal aid review. Although the Board does not ordinarily publish its response to Government consultations, I have no issues with our response being made public or shared with your members.

Prison lawyers play a vital role in the parole system. The Parole Board has consistently signalled how important good legal advice and representation is for a fair, efficient and effective parole system. Parole decisions must be made based on the evidence and the law. Effective representation ensures that a prisoner can effectively participate in parole proceedings, and safeguard their best interests. Having a legal representative is particularly important to safeguard the rights of those in the parole process, including in particular cases in which there are non-disclosure applications or victims attending hearings. Finally lawyers can provide invaluable assistance when there are potential for reconsideration applications or complex legal matters arise. I am sure that a system without effective legal representation would be less efficient and less fair.

I would be happy for you to share this letter.

Yours sincerely



Martin Jones CBE
Chief Executive
The Parole Board for England and Wales

Martin Jones - 020 3965 3469 (direct line) - CEO@paroleboard.gov.uk



3rd Floor, 10 South Colonnade, London E14 4PU



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info@paroleboard.gov.uk



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RESPONSE OF THE PAROLE BOARD TO THE CRIMINAL LEGAL AID INDEPENDENT REVIEW

The Parole Board has seen the Government's response to the Criminal Legal Aid Independent Review which concluded that they were not minded to uplift prison law fees and asked for views on this conclusion.

Whilst the level of remuneration of lawyers is not a matter that concerns the Board, we are keen to ensure that prisoners receive appropriate advice and assistance during the parole process and that parole hearings are completed in a timely and expeditious manner. There has been a significant reduction in the number of legal firms prepared to carry out prison law work over the last decade and we fear that unless there is some increase to fees there is a danger that there will be insufficient lawyers to represent prisoners involved in the parole process, which would have a significant detrimental effect on timeliness, victims and the public purse.

Since 2000-01 there has been a significant shift in the scale and complexity of parole hearings with a 3,500% increase in the number of cases assessed as needing a full oral hearing, and a series of important changes have been made or are planned, which have made the assistance of a lawyer increasingly important.

- Since the judgment in the case of DSD in 2018 the Parole Board has been obliged to consider and take account of alleged, but unproven, allegations when undertaking its risk assessment of prisoners; this process is fraught with legal difficulty and can give rise to issues of fairness - the assistance of a prison lawyer is often vital to navigating this.
- Since 2019 parties to a parole case have been able to seek reconsideration. Legal assistance has been critical to the success and fairness of the system, in setting out cogent legal arguments for seeking reconsideration and providing legal representations on the Secretary of State's applications.
- Since 2020 an increasing number of cases involve the hearing of cases involving terrorist offenders - under the Parole Board Rules 2019 the Secretary of State can seek the non-disclosure of evidence to the prisoner; the success and fairness of this system frequently relies on a prisoner being legally represented to protect his/her interests.

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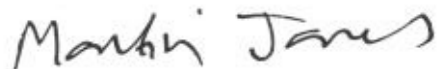


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- The 2022 Root and Branch Review of the parole system has concluded that victims should be able to attend parole hearings and potentially ask questions, and that hearings should be held in public where it is in the interests of justice. Legal representation of prisoners is likely to be critical to the success of these changes.
- At present most victims who wish to read out their statements ask for the prisoner not to be present and this is agreed because the legal representative can attend as a guarantee of fairness. If a victim has the right to play a more active role in the process then it opens up the possibility of the victim being asked questions, this is likely to be extremely problematic if the prisoner is not legally represented. We cannot envisage it being acceptable for the prisoner to directly ask questions of his or her victim. Similar considerations are likely to apply for public hearings where lack of effective legal representation would require a prisoner to play a much more active role in proceedings.

A handwritten signature in black ink that reads "Martin Jones". The signature is written in a cursive, slightly slanted style.

Martin Jones CBE
Chief Executive of the Parole Board for England and Wales
30 May 2022