



Ministry
of Justice

Parole Board Rules Advisory Committee

Terms of Reference

1. Summary

Purpose –

- To ensure the Parole Board Rules remain fit for purpose, up-to-date, in line with other statutory changes and fully support an effective and efficient parole process.

Authority –

- The Committee is established by the Secretary of State for Justice to assist him in his responsibility to make procedural Rules under Sections 239(5), 330(3) and 330(4) of the Criminal Justice Act 2003.
- The Committee does not have the power to instruct on Rule changes but will provide advice and recommendations to the Secretary of State.

Membership –

○ MoJ Parole Policy (Chair and Secretariat)	
○ Public Protection Group (HMPPS)	
○ Parole Board – Legal hub, Policy Hub, Membership	
○ MoJ Legal	

Additional invitees as required –

- Additional attendees may be invited for specific items as necessary.
- This may include: MoJ Victims' Team, others in Public Protection Group, or MoJ Analytical Services.

External stakeholders to be consulted –

- The Committee will identify other stakeholders who may have an interest in the Rules and consult them on specific issues as required.
- This may include for example, the Association of Prison Lawyers. We have identified the Parole Board User Group (PBUG) as a mechanism for consulting prison lawyers.

Meeting arrangements –

- Meetings will be arranged by MoJ Policy who will provide the secretariat for the Committee, including: dates, timings and location; confirming attendees; agenda and papers for meetings; minutes and action log.
- Meetings will be held quarterly. When proposed Rule changes are actively under consideration between meetings, the Committee will communicate via written correspondence. Ad hoc meetings may be arranged as necessary.

Reporting –

- The Committee will report to the Parole Reform Programme Board and submit advice and recommendations to Ministers via MoJ Parole Policy.

2. Remit

The remit of the Committee will be confined to matters relating to the Parole Board procedural Rules; it will not consider or have responsibility for matters relating to the parole system more broadly that fall outside the ambit of the Rules.

The Committee will have the following responsibilities:

Identifying potential changes required to the Rules

- Consider and assess any proposals submitted to the Committee for a change to the Parole Board Rules, including from the Parole Board, HMPPS or other parties.
- Evaluate the impact of any proposed Rule changes and whether they would achieve the intended effect, having regard to the available evidence.
- Monitor the operation of the current Rules and identify any areas where the Rules are:
 - i. Not operating as intended;
 - ii. Creating operational difficulties;
 - iii. Failing to make provision which is needed and would benefit from Rule changes;

and identify what remedial action may be needed.

- Consider the impact of changes to primary legislation that will require new or amended Rules and develop proposals to change the Rules accordingly.
- Consider the impact of any court rulings (e.g. following judicial review) that may change or affect the parole process and whether any changes to the Rules may be required in response.
- Horizon scanning, to identify future changes in policy, operational practice or legislation and give early consideration to planning for such changes, ensuring they are factored into the work of the Committee to consider any potential associated Rule changes.

Developing proposals and recommendations

- Discuss potential Rule changes - the Committee will work with stakeholders who may be affected to seek views on the impact and how any change might best be delivered in practice to ensure it would be workable (and to avoid unintended consequences).
- Prepare advice and recommendations – supported by reasons and evidence – on the need for changes or new Rules created, to be shared with the Steering Group for approval before being submitted by MoJ policy to Ministers.
- Develop proposals for how the Rules would need to be framed, acknowledging that the drafting of any changes would be the responsibility of MoJ Legal.
- Where Rule changes have been agreed and are being pursued, the Committee will review drafts and offer advice and suggestions for MoJ Policy and Legal to consider.

Monitoring impact of changes

- Following changes being made to the Rules, the Committee will review the impact of those changes and assess whether they have achieved the intended effect – and whether they are operating effectively in practice.

Dispute resolution

- In the event of any disagreement among the Committee members on the approach to be recommended, and where that cannot be resolved by the Chair through discussion with Committee members, the Committee will provide advice and options on the issue, with supporting evidence and arguments, for the Programme Board to discuss and resolve.

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