

## **1. Parole Board changes are back on the agenda**

Government proposals to hand ministers the power to block the release of certain prisoners have come under renewed attack from the head of the Parole Board. Martin Jones, the board's chief executive, told a committee of MPs considering the Victims and Prisoners Bill (to which this measure has been added) that it is unlikely to stand up to legal scrutiny and would impact upon the board's independence. He pointed out that the Parole Board tends to release prisoners only when professionals involved in the case say it would be safe to do so.

The Bill, drafted under former justice secretary Dominic Raab and now being steered through Parliament by his successor Alex Chalk, would hand the justice secretary powers to veto Parole Board decisions to release prisoners serving indeterminate sentences for serious offences including murder and rape. Prisoners whose release was blocked in this way would be able to appeal to the Upper Tribunal, a body which does not normally consider cases of this nature.

Asked in a Public Bill Committee meeting on June 20 what he thought of the veto idea, Jones said: "The problem with a block on the decision and the veto amounts to two issues, one of which is: will it subsequently stand up to legal scrutiny?"

"Parliament and the courts have been very clear that the final decision on whether somebody is safe to be released or not has to rest with a court. Until this Bill came along, that court has always been the Parole Board, subject only to judicial review. If you have the justice secretary intervening and blocking that release, it will have to go up, according to the Bill, to the Upper Tribunal to decide whether that decision should stand, and they will apply very similar principles of judicial review to look at the rationality of our decision."

Asked about new powers proposed in the Bill for the justice secretary to be able to dismiss the chair of the Parole Board, Jones said he feared it would be used by politicians to punish the Parole Board if it decided to free a notorious prisoner. He said: "Parliament has decided that we should determine the release of people convicted of the most serious offences ... My concern is that if it is used simply because the Parole Board has made a controversial decision, that potentially impacts on the independence of the Parole Board."

Our clerk is in correspondence with Martin Jones to request a speaker from the Parole Board for our 2024 conference. We may raise the issue above, as it relates to IPPs.



## **2. Government's prison building plan behind schedule – partly due to badgers!**

The Government's prison-building programme, promised in the Conservative 2019 election manifesto, includes the construction of six new jails, the expansion of existing ones, and the use of temporary units known as Rapid Deployment Cells (RDCs). However, three of the planned new jails are still awaiting planning permission.

The admission of a looming shortfall in places came in a document headed “Accounting Officer Memorandum: Small Secure Houseblocks Project – Outline Business Case” which briefly appeared on the MoJ website before being withdrawn.

Pia Sinha, chief executive of the Prison Reform Trust, said: “This document released accidentally by the Ministry of Justice appears to let the cat out of the bag – even if all existing capacity projects are delivered on time there will still be a short fall of 2,300 prison places by March 2025. Alarmingly, the same document predicts that a failure to deliver on existing plans would result in a gap of 5,500 prison places by November 2026.

“Either way, on current trends the Ministry is rapidly approaching a brick wall. It simply cannot build its way out of this crisis. Its own officials are telling it as much. Ministers urgently need a plan to reduce demand on the system, and give it the breathing space it so desperately needs.”

An MoJ spokesperson maintained: “We’re building six new prisons as we create an additional 20,000 places to deliver the biggest prison expansion in over a century.” However the three new prisons planned by the Government to cope with a surge in prisoner numbers cannot open before 2027 at the earliest, a senior official has admitted. This is due in part to refusal of planning permission, which has now gone to appeal. Michael Gove, the Secretary of State for Levelling Up is free to approve or reject the plans at each disputed site, regardless of what the inspectors say.

But 2027 is too late to rescue the Prison Service from its current capacity crisis. Recent rises (to a population of 85,572) have left our prisons just 1,100 short of overall capacity, again requiring ministers to ask for police cells to be made available. On current Ministry of Justice forecasts, by March 2027 the prison population will be between 93,000 and 106,000.

The head of mobilisation at HMPPS outlined a further challenge: “Just because you get planning doesn’t mean necessarily that all the obstacles are out the way. A lot of my time at the moment is talking about badgers, for instance. There are various sites we need to remove them. You have a certain period you can remove badgers before they hibernate. It’s a bit of a nightmare, to be honest.”