

# **FRAMEWORK AGREEMENT**

**ISLE OF MAN PAROLE  
COMMITTEE**

**AND**

**DEPARTMENT OF HOME  
AFFAIRS**

February 2023

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## 1. Purpose of this document

- 1.1 The purpose of this document is to support the Parole Committee in achieving its aims and functions as set out in the relevant legislation detailed below.

## 2. Status of this document

- 2.1 The Department of Home Affairs (DHA) has drawn up this framework document in consultation with the Parole Committee (Committee). This document sets out the broad framework within which the Parole Committee will operate. This document does not convey any legal powers or responsibilities to either party.
- 2.2 The document will normally be reviewed by the DHA and the Parole Committee every two years. The document may, however, be reviewed at any other time. The DHA will manage the provision of amendments, which will be agreed with the Parole Committee.
- 2.3 The document is signed and dated by the Chief Executive of the DHA and the Chair of the Committee. Copies of the document and any subsequent amendments will be placed on the DHA's website, [www.gov.im/DHA](http://www.gov.im/DHA)

## 3. Founding legislation and classification

- 3.1 The Parole Committee was established under the Custody Act 1995 and continued under the Custody Rules 2015.

## 4. Procedures

- 4.1 As set out in 94A of the Custody Rules the Committee may make its own procedures. These will be shared with the DHA for an understanding of the operation and to ensure effective secretariat support.
- 4.2 In considering cases referred to it, the Committee will take into account the principles of the European Convention on Human Rights and adherence to the common law standards of procedural fairness and common law duty to act fairly.

## 5. Role of the Committee

- 5.1 The Isle of Man Parole Committee is an independent statutory Committee within the Isle of Man Criminal Justice System. The Parole Committee advises the Department and considers requests for parole from long term prisoners under a discretionary conditional release licence and makes recommendations to the Minister for Justice and Home Affairs (Minister).
- 5.2 The Parole Committee is comprised of lay members in order to bring an outside and independent perspective to decisions being made for offenders to be released back into the community, or recalled to custody.
- 5.3 The Parole Committee considers the information provided to it and advises the Department with respect to s23, Custody Act 1995:-
- (a) the release and recall under Schedule 2, Custody Act 1995, of persons whose cases are referred to it by the Department
  - (b) where such persons are released on licence, the conditions of such licences and the variation and cancellation of such conditions
  - (c) any other matter so referred which is connected with the release or recall of persons to whom Schedule 2 applies

5.4 The Committee's duties include:

- ensuring independent decision making by individual Parole Committee members;
- using the Directions provided by the DHA to guide the decision-making process;
- satisfying itself on the basis of the information provided to it, or any other oral or written information obtained by it, that it is no longer necessary for the protection of the public that the prisoner is confined;
- making recommendations on release, which are reasoned, rigorous, fair and timely with the primary aim of protecting the public; and
- promoting the independence of, and public confidence in, the work of the Parole Committee.

5.5 Where a RECOMMENDATION IS MADE TO RELEASE, this is not binding on the DHA and it will consider the Committee's recommendation and information and reasons provided before making a final decision. The reasons for this decision will be recorded and shared with the Committee.

5.6 Where a RECOMMENDATION IS MADE NOT TO RELEASE, then the recommendation stands, and the DHA has no powers other than to not release on licence. The Committee will provide the reasons for that decision to the DHA. The applicant may submit a further application for re-consideration.

5.7 In the matters of a discretionary life detainee (which is a life detainee whose sentence was imposed for an offence the sentence for which is not fixed by law). Para 4(4), Schedule 2 states that the Committee may DIRECT an applicant's release, and thereupon the Department shall release the applicant on licence.

## 6. Directions – Early Release on Licence

6.1 The Parole Committee, is required to make its recommendation or direction to the Department after considering and assessing the following principles in order of priority:-

- 1. The risk to the public that early release would present**
- 2. The risk of further offending**
- 3. If early release would contribute to rehabilitation and reintegration into the community and**
- 4. What conditions could be attached to a licence to assist with reintegration of the offender into the community and reduce risks identified upon early release**

## 7. Direction – Re-Release on Licence

7.1 In accordance with 13B(4), Schedule 2, Custody Act 1995, the DHA issues the following Directions to the Committee in respect of a Long Term Detainee who, following recall, is making an application for re-release on licence:

*The Department directs the Parole Committee to prioritise the protection of the public when deliberating on an application for re-release [13B (4), Schedule 2, Custody Act 1995] on licence.*

*The Parole Committee, acting independently, is required to use its judgment to make its recommendation or direction to the Department after considering the following principle:-*

***1. The Committee shall direct the detainee's release if satisfied that it is no longer necessary for the protection of the public that they should be confined (but not otherwise)***

## 8. Directions Guidance

8.1 In addition to the Directions the DHA may issue guidance to the Committee as to how these Directions are to be applied.

## 9. Governance and responsibilities

9.1 The Committee Chair and all other Parole Committee Members are appointed by the DHA under the Custody Rules 2015. Appointments of Parole Committee Members are made in accordance with the Government Code of Conduct, Seven Principles Underpinning Public Life.

## 10. DHA Responsibility

10.1 The Minister for Justice and Home Affairs will account for the Parole Committee's business in Tynwald.

## 11. DHA Liaison Responsibilities

11.1 The Criminal Justice Manager is the Officer responsible for overseeing the working relationship between the DHA and the Committee.

11.2 In particular, the Officer:

- where appropriate, act as champion of the Committee in pursuing agreed issues of concern with the DHA and, where necessary, other departments;
- provide assurance to the Senior Leadership Team of the DHA that robust governance arrangements are in place;
- monitor communications between the DHA and the Parole Committee, ensuring such monitoring is proportionate to provide assurance to the DHA about the effective operation of the Committee;
- support the development of positive and effective working relationships between the Committee and all parts of DHA, ensuring that the liaison relationship is tailored and proportionate to the needs of both organisations;
- inform the Committee of relevant government policy in a timely manner; and
- arrange an annual review meeting with the Committee.

11.3 In accordance with section 3(2), Government Departments Act 1987, the Minister may delegate to officers the functions as set out in Schedule 2 of the Custody Act 1995. The Department will provide a copy of the Delegation to the Committee.

11.4 Where urgent issues or difficulties arise in the relationships or other activities between the DHA and the Committee, the Officer will work with relevant officials to resolve matters satisfactorily. Where the issues cannot be fully resolved, matters will be escalated to the Deputy CEO of the DHA.

## 12. Parole Committee responsibilities

- 12.1 The Committee should ensure that effective systems and arrangements are in place to provide assurance on good governance and effective processes to meet statutory responsibilities.
- 12.2 The Committee shall also:
- determine Committee procedures regarding its fulfilment of its primary objective to make recommendations regarding the suitability of prisoners for release or recall;
  - inform the DHA of any changes likely to impact on the Committee's function, the attainability of its objectives or the reputation of the DHA, determining the steps needed to deal with such changes;
  - ensure compliance with any statutory or administrative requirements for the use of public funds;
  - be compliant with GDPR requirements and data security; and
  - demonstrate high standards of corporate governance to help address key risks.
- 12.3 In making recommendations and decisions the Parole Committee should use its judgement to evaluate the risk presented by the individual. The Committee shall adhere to any directions from the Department as set out in paragraph 6 and 7. It is not the responsibility of the Parole Committee to undertake risk assessments on the prisoners, they are expected to understand why and how risk assessments are carried out by Probation professionals and understand the varying levels of risk and mitigations for management in the community.

## 13. Secretariat Responsibilities

- 13.1 As set out in the Custody Rules 91(1) the DHA provides a member of staff to act as Secretary to the Committee to attend meetings, to keep minutes of the meetings and to perform such other clerical duties as the Committee may require.

## 14. The Chair's responsibilities

- 14.1 Communications between the Committee and the DHA should normally be through the Chair, or in their absence the Deputy Chair. Correspondence from the Chair to the DHA should reflect the view of the Committee. Where appropriate, these discussions, policies and actions should be clearly communicated and disseminated throughout the Committee.
- 14.2 The Chair should ensure that policies and actions are in accordance with the Committee's statutory responsibilities. They should also ensure that the Committee's affairs are conducted with probity.
- 14.3 In addition, the Chair has the following leadership responsibilities:
- promoting the efficient and effective use of members and other resources;
  - maintaining a positive and productive relationship with the Secretary to the Committee;
  - encouraging independent thinking amongst Committee members;
  - ensuring compliance with and understanding of information management and data handling requirements;
  - representing the views of the Committee;
  - ensuring the effective operation and support of the Committee and its members;
  - succession planning and training of members;
  - be responsible for compliance with GDPR requirements and data security, and will monitor to ensure compliance by Committee members;



- notifying DHA at the earliest opportunity if there is a prospect of a risk of legal challenge against the Parole Committee which could affect the reputation or financial position of the Parole Committee or set a precedent in case law which could lead to these consequences.

## 15. Chair's Engagement

15.1 The Chair will meet the Deputy CEO at least once a year to discuss leadership and engagement with the Committee.

## 16. Individual Committee member responsibilities

16.1 Individual Committee Members should:

- comply at all times with the Government Code and with the rules relating to the use of public funds and conflicts of interest;
- maintain the highest standards of integrity and honesty in full compliance with the seven principles of public life;
- have an awareness of the need to treat everybody with fairness, respect, equality and dignity;
- be committed to the support of rehabilitation of offenders within the community;
- act in good faith and in the best interests of the Parole Committee; and
- comply with GDPR requirements and data security.

## 17. Responsibilities to the Chair

17.1 The Deputy Chief Executive is responsible for:

- advising on the discharge of the Parole Committee's responsibilities as set out in this document, the founding legislation, or in any other relevant instructions and guidance that may be issued from time to time;
- advising on the Parole Committee's performance against its aims and objectives; and
- assisting in the development of and oversight of the Parole Committee's responsibilities.

## 18. Tenure

18.1 Each Committee member is appointed for a period of three years, which may be extended for another term, subject to Ministerial approval.

## 19. Annual Report

19.1 The Committee shall submit annually to the DHA a report covering the previous year's activities. The Committee and DHA shall discuss the issues to be addressed and the timetable for its preparation. The report shall reflect the Committee's statutory duties.

19.2 It is expected that the report will initially include, but not be limited to, the following areas:

- number of matters considered, outcomes and trends;
  - breakdown of matters considered by Members (e.g. quorum or full committee consideration); and
- performance in accordance with agreed deadlines for decision making.  
Inclusion of other matters would usually be a matter for agreement between the DHA and the Committee.

The expectation is that the report will usually be published and publicly available.

## 20. Complaints and litigation

- 20.1 Responsibility for handling any general matters concerning the Committee's services will fall to the DHA. The DHA should ensure that appropriate learning and feedback mechanisms are in place and that difficult or contentious cases are brought to the attention of the DHA at an appropriate stage.
- 20.2 The Committee will maintain a procedure for the effective reporting, investigation and management of complaints received about its services.
- 20.3 Where the DHA receives complaints about the Committee or matters within the Committee's remit, it will refer these to the Committee to deal with. In exceptional circumstances, however, DHA may, with the agreement of the Chair of the Committee, agree to investigate a complaint directly.

## 21. Access

- 21.1 The DHA will have a right to request access to all the Committee's records as required to discharge any obligations of the DHA for purposes, including, for example, audits and operational investigations.

## 22. Legal Advice

- 22.1 The DHA and the Committee agree to work together to identify and discuss issues requiring legal advice to ensure a collaborative approach is made and actioned before advice is sought.
- 22.2 Where the DHA, or Committee, requires legal advice from the Attorney General's Chambers on an issue that is relevant to the DHA or Committee, it will be obtained in such a manner as to maintain separation between those providing advice to the Committee and those providing advice to the DHA.
- 22.3 Following consultation with the DHA the Committee may obtain independent legal advice from the Attorney General's Chambers. Such advice is confidential to the Committee unless it chooses to share it with the DHA or requests or authorises the Attorney General's Chambers to copy or share the advice to the DHA.
- 22.4 If the Attorney General determines that the necessary separation in the provision of legal advice to the Committee cannot be achieved in a particular case within Chambers, the DHA will authorise any request made which reasonably requires an identified legal issue or claim upon which legal advice is required. Chambers will support the Committee in obtaining advice from external counsel by advising of the identity or contact details for any contractors, any restrictions in financial regulations, and contractual requirements in order to obtain such advice, including any quotation or tendering services.

## 23. Conflict of Interest

- 23.1 If a member of the Committee holds, appears to hold, or could appear to hold a conflict of interest regarding any matter for consideration of the Committee, that Member must declare that interest to those present at the meeting. (Rule 92, Custody Rules 2015). Any conflicts of interest declared on appointment will be held by the DHA in a central register in compliance with Government regulations.



## 24. Security and Information Assurance

24.1 The Committee is required to comply with Government standards for the management of security and information risk as set out in the Isle of Man Government Information Management Policy Framework and Information Security Policy.

## 25. Use of Social Media

25.1 Members of the Parole Committee should make themselves familiar with the Isle of Man Government Electronic Communications and Social Media, Policy, Standards and Guidelines.

## 26. Data Sharing Agreement

26.1 A Data Sharing Agreement is in the process of being drafted. When complete it will be appended to this Framework.

## 27. Freedom of Information and Data Protection

27.1 The Committee will carry out its obligations under the Freedom of Information Act (FOIA) and the Data Protection Act (DPA), including ensuring all members are compliant with the relevant legislation and in line with agreed DHA internal processes for request handling.

27.2 The DHA will be responsible for maintaining a central monitoring record of FOIA and DPA requests received and dealt with on behalf of the Parole Committee.

## 28. Meetings

28.1 The Committee must meet at least once every three months and all meetings must be minuted. The Chair may call a meeting at any time and requires a quorum of three members of the Committee. A meeting must also be held following the submission of a written request from two members to the Clerk of the Committee (Rule 92(2) of the Custody Rules 2015)

## 29. Minutes of Meetings

29.1 The Committee will produce minutes of each meeting. Such minutes will include a record of the meeting, and for individual matters, what documents have been considered, an outline of the consideration of such documents and the recommendation with reasons recorded for reaching the outcome. As set out in Rule 92, of the Custody Rules 2015 the approved minutes will form the formal record of the meeting and extracts will be provided by the Clerk to the DHA to capture any actions requested.

## 30. Licence Conditions

30.1 When prisoners are released on licence, the Committee shall make recommendations regarding the conditions applied to such licences; the variation or cancellation of these conditions; and any other matter which is connected with the release or recall of prisoners. The DHA and the Committee have an agreed list of published Standard Licence Conditions and Additional Licence Conditions.

## 31. Parole Dossier

31.1 The Parole Dossier will be prepared in accordance with a standardised format and template for the production of a Parole Dossier which will be supplied to the Committee.

31.2 The information used by Members to make a decision comes from:

- the dossier supplied by the DHA;


- any documents given to it by the DHA; and
- any other oral or written information obtained by it.

- 31.3 Before the Parole Dossier is submitted to the Committee the detainee must be presented with a copy of the Dossier and be provided with an opportunity to include a statement of their own views.
- 31.4 The Committee may consider requesting further information if it is considered essential in order to make a recommendation in accordance with the Directions.
- 31.5 The Dossier Redaction Policy allows for documents prepared specifically for the purposes of Parole to be un-redacted. Other information which contains third party data must be redacted in accordance with GDPR principles. The Committee will feedback on issues surrounding this.

On behalf of the Parole Committee

On behalf of the Department of Home Affairs

Signed:



Date: 15 | 05 | 2023