

PAROLE BOARD FOR SCOTLAND

BUSINESS CONTINUITY PLAN

BACKGROUND

1. The Parole Board for Scotland (the Board) is a Tribunal Non-departmental Public Body whose members are appointed by the Scottish Ministers. The Board has a number of statutory functions and operates independently from the Scottish Government. Directions made to Scottish Ministers by the Board about early release of an offender are binding, with the exception of deportation cases for determinate prisoners and applications for compassionate release where the Board will offer advice only.

2 This document outlines the potential impact of sudden and widespread incapacity through, for example, a medical epidemic or large scale weather disruption affecting the Board's ability to conduct its business, and how business continuity may be maintained.

LIKELY IMPACT OF INCAPACITY

4. Widespread incapacity among Board members and staff could have a considerable impact on the day to day functioning of the Board. The Board relies on various information 'suppliers' (e.g, SPS, local authorities, Scottish Government, Health professionals, Police Scotland) to allow its business to be carried out. Therefore, any significant incapacity within these suppliers will also likely have an impact on delivery of the Board's functions.

5. The geographical spread of PBS members would suggest that incapacity is unlikely to affect all Board members and administrative staff at the same time. Aside from conducting casework meetings, Tribunals and Oral Hearings Board members generally work remotely using SCOTS laptops and therefore are not office based. The following impact has been based on a worst case scenario of a significant incapacity rate Board members and administrative staff.

Board Members

- If a significant number of members were to suffer incapacity the ability to conduct the daily business of the Board could reduce or ultimately cease completely. This would include casework meetings, life and extended sentence prisoner Tribunals, Oral Hearings and victim interviews;
- If a number of members were unavailable for Board business then this could place additional pressures on available members to carry out business;
- A lack of members being available to carry out Board business could lead to a backlog of cases to be heard; and
- Delay in conducting Board business as a result of sudden incapacity could lead to potential Judicial Reviews against the Board if cases are not heard by critical dates. This could lead to prisoners being detained

longer than they should have been if the Board had heard their case and directed their release on parole. This could lead to further financial implications for the Board and ultimately Scottish Ministers.

Administrative Staff

- If staff were to suffer incapacity the administration of the Board's business could reduce significantly or the quality of the work could be compromised;
- If a number of staff were unable to attend work then this could place additional pressures on the staff available to carry out the necessary duties; and
- The Board could be criticised for not paying supplier invoices with 10 days.

MAINTAINING BUSINESS CONTINUITY

Overall approach

6. The Board's priority will be to seek to continue to deliver its statutory functions whilst prioritising the Health and welfare of Board members and staff. We will:

- co-ordinate required actions through an extraordinary sub group of the Parole Board Management Group;
- focus on using technology to facilitate the Board's business through remote working;
- assess the feasibility of utilising other working locations in the event of closure of Saughton House;
- consider whether to use discretion to move to two member panels where appropriate and legally competent;
- if required seek to prioritise cases on the basis of fairness and risk;
- communicate this plan and any resulting actions to Board members and staff; and,
- maintain contact and share information with other organisations and individuals involved in the parole process

Business Continuity Planning Group

7. At the instigation of the Chairman of the Board, or in the case of the Chairman's incapacity, a vice Chair of the Board or the Board's Chief Executive, the Board will form a planning committee (the Business Continuity Planning Group (BCPG)) to monitor the position of the Board throughout the period of incapacity.

8. This committee will consist of members from the Board's Management Group and will be chaired by the Chairman of the Board (or as above). The frequency of meetings would be determined by the severity of the incapacity. The purpose of the Group would be to make arrangements for, as far as possible, the continued delivery of the Board's statutory functions, communication with other organisations involved in the parole process, and

the provision of guidance and information to Board members and staff. This committee would collate and assess the following information:

- administrative staff availability and cover for critical posts;
- Board member availability;
- possible prioritisation of cases for both casework and tribunals; and,
- the position with other relevant organisations.

9. Using this information the committee would then be empowered to put in place necessary arrangements to overcome developing situations or make operational decisions as they arise.

Use of Technology

10. The Group will determine the extent that technology can and should be used to deliver the Board's business. This may include:

- casework, including recalls, to be dealt with through teleconference or Skype with the views of individual members being taken based on a presentation by the presenting member circulated by e-mail in advance of the teleconference/Skype call;
- increased use of video conference for Tribunals and Oral Hearings if there is an outbreak of illness at a prison or prisons;
- staff to work from home using a laptop connected to the SCOTS network (the Corporate Services Team maintain a list of staff who have laptops); and
- explore the remote attendance of witnesses such as social workers through teleconference/Skype

Alternative working locations

11. The Group will consider options for alternative working locations if Saughton House is not available. This may include:

- staff working from other Scottish Government buildings;
- Tribunals/Oral Hearings to be conducted via videolink from other Scottish Government buildings; and,
- the option to use the Board's legal adviser's offices in Edinburgh for certain activities.

Two member panels

12. The Group will consider whether to exercise discretion, where appropriate, to allow powers to consider cases to be exercised by 2 members of the Board.

Case prioritisation

13. Where it becomes apparent that there is a risk to the Board's ability to deliver its statutory functions the Group would implement a system of prioritisation for cases on an individual basis to determine how soon they

require to be considered by the Board. The focus of that prioritisation will be fairness and risk to public safety.

14. For casework meetings, priority will be given to recall cases and those who are close to their Earliest Date of Liberation where they are eligible for automatic release, and licence conditions must be agreed for the purposes of their non parole licence. For tribunals, priority will be given to lifer cases whose punishment part has expired and to cases which have a previous review date fixed.

Communication with Board members and staff

15. The Group will co-ordinate communication with Board members and staff in relation to:

- changes in operational arrangements;
- information from other organisations involved in the parole process; and,
- general information, such as health advice, provided by the Scottish Government and other official bodies

Communications with other organisations and individuals

16. The Group will co-ordinate information provided to, and shared by, other organisations and individuals involved in the parole process. This may include:

- Scottish Government Parole policy team/ Scottish Ministers
- Scottish Government sponsor team
- Scottish Prison Service HQ and individual prisons
- LA Criminal Justice Social Work departments
- Social Work Scotland
- Police Scotland
- 3rd sector bodies including Victim Support Scotland, Scottish Women's Aid, Rape Crisis, Families Outside
- Individual prisoners and their legal representatives
- The Board's legal advisers

REVIEW OF THE BUSINESS CONTINUITY PLAN

17. This Business continuity plan will be reviewed by the Parole Board Management Group every 2 years or more frequently if required.

**Parole Board for Scotland
March 2020**