

Annual Report
2017-2018

THE PAROLE BOARD FOR SCOTLAND

Presented to Parliament under Schedule 1, paragraph 5 of the Prisons (Scotland) Act 1989 and Schedule 2, paragraph 6 of the Prisoners and Criminal Proceedings (Scotland) Act 1993.

Laid before the Scottish Parliament by the Scottish Ministers.

SG/2019/3

March 2019



© Crown copyright 2019

The Parole Board for Scotland
Saughton House
Broomhouse Drive
Edinburgh EH11 3XD

APS Group Scotland

PPDAS513246 (02/19)

Published by The Parole Board
for Scotland, February 2019

Contents

Chair's Foreword	4
Chief Executive's Review	6
Chapter 1: The Year's Work	14
Chapter 2: Board Membership, Meetings and Visits	26
Appendices	
A: Time Spent in Custody by Persons First Released from Life Sentences	28
B: Statutory Provisions and Financial Information	30

CHAIR'S FOREWORD



I am pleased and privileged to be able to present this Annual Report on the work of the Parole Board for Scotland during 2017-18.

As in previous years the report shows the considerable volumes of work dealt with by the relatively small number of individuals who comprise the Board and its administrative support body, Parole Scotland.

The work which the Board undertake needs to be of the highest standard and involves difficult and complex decisions which have a direct bearing on the safety of communities across Scotland and it can, and does, have an important role to play in assisting with the rehabilitation of offenders to return to their communities as law-abiding citizens.

All of the Board's decisions have to be taken, however, with the fundamental consideration being whether the risk posed by releasing a prisoner into the community is acceptable and safely manageable.

The figures in the report show a variation in the number of life, determinate and extended sentence prisoners dealt with by the Board, as one might expect, with increases in some categories and decreases in others but there was a modest decrease in the number of postponed or adjourned Tribunals. Postponements and adjournments are expensive and delay the final release decision. The Board and Parole Scotland will remain vigilant and seek to reduce the number of postponements and adjournments even further.

Oral Hearings in the cases of determinate sentences and some Extended Sentences are on a rising trajectory which have more than doubled. This is perhaps unsurprising given the case law which provides for a very wide range of circumstances where an Oral Hearing is necessary and the same law which requires that an Oral Hearing takes place when there is any doubt.

Whilst the Board deals routinely with the worst behaviours our communities experience it also has an opportunity to observe the very real progress which some prisoners make during their sentences thanks to the opportunities which they are given to learn skills and understand what motivates their offending behaviour. Many of these prisoners are able to return to a crime-free life, but, regrettably, some are unable to make the necessary change or to sustain change for many reasons but often because of their own disadvantaged backgrounds.

In these cases, it is the Board's responsibility to ensure that every possible step is taken to limit risk often including revocation of licences and recalls to custody. This is a matter to which members bring huge amounts of experience and expertise from their varying backgrounds. Community safety is the prime concern and it is of interest that the number of cases in which the Board has considered revoking a parole licence has reduced slightly.

I believe that Scotland's communities can feel assured that their best interests underpin the anxious decisions which Board members take day in, day out and always with the greatest care.

I would like to take this opportunity to thank, not only my fellow members and all of the hard working staff in Parole Scotland for their commitment and support but also to thank those many individuals and agencies, both statutory and voluntary, on whose services and expertise the Board relies for evidence, information and for support to inform the vital decisions which it takes.

I would also like to express my particular thanks to Terry Powell, Valerie Cox, John Hamilton, John McCaig, Katie McQuillan, Jack McVey, Joan Morrison and David Pia, whose appointments to the Board came to an end during this reporting period.

A handwritten signature in black ink, appearing to read 'J Watt'.

John Watt

Chair, Parole Board for Scotland

CHIEF EXECUTIVE'S REVIEW



Over what has been a year of continuing organisational change and improvement the Board has continued to exercise its crucial function of protecting public safety whilst allowing those individuals whose risk can safely be managed in the community to serve the remainder of their sentence in the community subject to licence conditions that are proportionate lawful and necessary.

In the latter part of the year there has been considerable UK wide interest in the integrity of the parole process. I am pleased that, in Scotland, the Board's clear independence from Scottish Ministers and our ability to react quickly to changing circumstances due to our size and effective operating model, has meant that the Parole Board for Scotland has been free of the controversy and criticism experienced elsewhere.

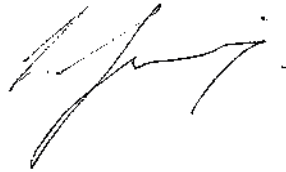
That independence is critical to the Board's functions. This has been recognised by the Management of Offenders Bill introduced to Parliament in early 2018 which reasserts the Board's independent status. Part 3 of the Bill also contains a number of other provisions which the Board supports as helpful in our aim to continuously improve our efficiency and effectiveness.

The efficient execution of the Board duties is also dependent on the work of other bodies including the Scottish Prison Service, Local Authority Social Work, Police Scotland, the Scottish Government and the Health Service. Engagement with all of these has been positive and constructive over the course of the year and we appreciate the contribution that these organisations make to our work.

I am pleased to note the progress that we continue to make in relation to our service delivery for victims. All of our standards are monitored, reviewed and reported on annually. They are available on our [website](#).

I also thank both Parole Board Members and the staff of Parole Scotland. Board Members deal with a considerable workload and one that is increasing in complexity. They continue to do so with great professionalism and commitment. Similarly the Parole Scotland team who support the members are a model for effective teamwork and customer service. It remains an honour and a privilege to lead that team.

Looking forward, it is apparent that fresh challenges are on the horizon. We remain committed to delivering excellent service whilst continually reviewing our approach and ensuring that our focus is on risk and public safety. As an organisation we are well equipped to do so and I look forward to leading the organisation over what will be our 50th year of operation.

A handwritten signature in black ink, appearing to read 'Colin Spivey', with a stylized flourish at the end.

Colin Spivey

Chief Executive, Parole Board for Scotland

**MEMBERSHIP OF THE PAROLE
BOARD FOR SCOTLAND
2017 - 2018**

Mr John Watt	Chairman, Solicitor and former Area Procurator Fiscal
Mr George Connor	Vice Chair, Former Civil Servant
Mr Terry Powell (until June 2017)	Former Divisional Commander, East and Midlothian Police
Ms Karen Alexander	Practicing Mental Health Officer
Ms Margaret Anderson	Former Director of Social Work Services
Mr Ian Bryce	Solicitor
Mr Stewart Campbell	Former Director, Health and Safety Executive
Ms Valerie Cox (until October 2017)	Retired Civil Servant
Mrs Gillian Crompton	Solicitor
Ms Emma Doyle	Solicitor
Ms Fiona Grant	Solicitor
Mr John Hamilton (until April 2017)	Advocate
Mr Christopher Hawkes	Former Chief Officer, Lothian and Borders Community Justice Authority
Ms Lynn Jolly	Former Probation Officer, Criminal Justice Throughcare Services
Ms Sukwinder Kaur Gill	Solicitor Advocate
Mr Anthony Kelly	Summary Sheriff
Dr Lynn Kelly	Social Work Academic
Mr James MacDonald	Advocate
Mr John McCaig (until June 2017)	Former Deputy Chief Inspector of Prisons
Ms Katie McQuillan OBE (until June 2017)	Solicitor
Mr Jack McVey (until June 2017)	Operations Director – British Red Cross
Mr Stephen Milloy	Former Executive Nursing Director, The State Hospitals Board for Scotland
Ms Joan Morrison (until June 2017)	Solicitor

Mr Darren Myles-Wright	Director of Performance Support Services in Youth Justice
Mr Stephen O'Rourke	Advocate
Ms Jackie Peters	Former Manager of Reintegration Services, Edinburgh Criminal Justice
Mr David Pia (until June 2017)	Retired Civil Servant
Ms Patricia Pryce	Lawyer
Ms Linda Reid	Forensic Mental Health
Dr Karen Richard	Psychiatrist
Mrs Catherine Smith	Principal Officer (Criminal Justice) Glasgow City Council Social Work Services
Mrs Gillian Stanage	Retired Children's Reporter
Ms Rona Sweeney	Former Director of Prisons, Scottish Prison Service
Ms Sarah Walker	Solicitor
Ms Mirian Watson	Former Procurator Fiscal
The Hon Lady Scott	Senator of the College of Justice

About the Parole Board

The Parole Board for Scotland is a Tribunal Non Departmental Public Body. The Board, which has been in existence for 50 years, is a judicial body that is independent of the Scottish Government and impartial in its duties. Its main aim is to ensure that where the risk posed by a prisoner, if released, can be safely managed in the community, the prisoner may serve the remainder of their sentence in the community under the supervision of a social worker. It is not the responsibility of the Board to consider questions of punishment and general deterrence.

The Board can only consider cases referred to it by Scottish Ministers and only grants release in cases where the level and nature of risk are deemed to be manageable. This decision is informed by a number of factors including the evaluation of risk assessments.

Types of Sentence

The Board has a number of statutory functions, largely set out under the Prisoners and Criminal Proceedings (Scotland) Act 1993 and the Management of Offenders etc. (Scotland) Act 2005.

The type of sentence imposed will determine both at which point in the sentence the Board will consider release, and under what procedures the review will take place.

Short Term Determinate Sentence Prisoners

For prisoners sentenced to a determinate sentence of less than four years, the Board has no role in determining whether or not individuals are released into the community and they will be unconditionally released at the half way point. Short term sex offenders (STSO) are released on licence, the conditions of which are set by the Parole Unit of the Scottish Prison Service on behalf of Scottish Ministers, therefore the Board's involvement in these cases is to consider grounds for recall to custody or re-release as appropriate.

Long Term Determinate Sentence Prisoners

For offenders sentenced to determinate sentences of four years or more, the Parole Board is invited to recommend to Scottish Ministers whether the individual offender should be released on licence at the half way point of their sentence (the Parole Qualifying Date). The Board's recommendation is binding on Scottish Ministers. If early release is not directed at the first review then the Board will reconsider the offender's case at 12 month intervals until the offender reaches their Earliest Date of Liberation (the two thirds point of their sentence or 6 months before the expiry of the sentence depending

on when they were sentenced) at which point the Scottish Ministers are statutorily required to release the prisoner into the community on licence.

The Board sets the licence conditions for all long term determinate sentence prisoners. Requests to change licence conditions can be made at any point over the course of the licence period but there should be good grounds for doing so. Such requests are considered at casework meetings of the Board or by a quorum of at least two members.

Extended Sentence Prisoners

The Board will deal with extended sentence prisoners in one of two ways. The first is where a short custodial term is imposed, but when taken with the extension period the aggregate sentence is four years or more. This type of case will be referred to the Board to recommend licence conditions only.

If the custodial term is four years or more, the Board would deal with these cases as for long term determinate sentence prisoners.

All extended sentence prisoners are released on licence and subject to recall consideration for the total period of the extended sentence (i.e. the custodial term and the extension period).

Life Sentence Prisoners

Life sentence prisoners are reviewed, at the end of the punishment part of their sentence, for possible release on life licence by the Board, sitting as a Life Prisoner Tribunal. This is an oral hearing chaired by a legally qualified member of the Board and two other Board members at which the prisoner and his legal representative are present.

It is for the Board to determine if the prisoner should continue to be confined for the protection of the public. If release on life licence is not directed then the Tribunal is required, by law, to fix the date when it will next consider the prisoner's case not later than two years after the date of the decision to decline to direct release.

Orders for Lifelong Restriction Prisoners (OLRs)

The release arrangements for OLR prisoners are the same as life sentence prisoners which is that they are referred to the Board for consideration on the expiry of the punishment part of their sentence. The Board is required to have regard to the Risk Management Plan which has been approved by the Risk Management Authority.

Recall of Prisoners for Breach of Licence

Where a prisoner has been released on licence but there is evidence from which it can be inferred that the risk posed can no longer be safely managed in the community, usually because a licence condition has been breached, the prisoner may be liable to be recalled to custody by Scottish Ministers or the Board.

Following a referral by Scottish Ministers, the Board is required to consider the recall to custody of the following sentence types:

- short term sexual offenders;
- extended sentence prisoners;
- determinate sentence prisoners serving four years or more;
- life sentence prisoners; and
- prisoners subject to an OLR.

Prisoners are not advised when the Board is giving consideration to their possible recall. The case will be considered at a casework meeting of the Board.

Other Post Release Considerations

Whilst the Board will recommend the licence conditions to be set prior to the release of prisoners, there are some circumstances in which the Board might be asked by Scottish Ministers, following a request from a supervising officer, to change the licence conditions once the prisoner is on licence in the community. This might include transfer of supervision, the termination of the supervision element or the insertion or removal of a condition. The prisoner would be provided with the opportunity to make representations on the proposed changes and the Board would then consider the request at a casework meeting.

Re-release Following Recall

For those cases where a prisoner has been recalled to custody, the Board is required to consider their suitability for re-release. The prisoner will be given the opportunity to make representations on the reasons given for their recall and as to whether, at the time when re-release is considered, the risk posed can be safely managed in the community and the Board is required to determine if they should remain in custody.

The way in which the Board deals with these cases depends on the sentence type. For re-release of short term sex offenders (STSO) or long term determinate sentence prisoners, the Board will consider these cases at a casework meeting. Different members of the Board consider re-release from the members who considered an individual's recall to ensure fairness.

Life sentence prisoners and prisoners subject to an Order for Lifelong Restriction will be considered at a Tribunal.

For re-release of extended sentence prisoners, a Tribunal of the Board requires to be held if the prisoner is recalled to custody during the extension period of the sentence. This provides for the prisoner and their legal representative to present his case to the Board orally. If the prisoner is serving the custodial term of their sentence the case will be considered at a casework meeting.

Children and Young People

Statute requires that all children and young people (C&YP) sentenced to detention under Section 208 of the Criminal Procedure Act 1995 must be treated in the same way as long term adults. This means that the Board is responsible for considering the early release of C&YP cases sentenced to four years or more detention, and for setting licence conditions for all C&YP cases sentenced to less than four years detention. All C&YP cases are liable to be recalled to custody in the same way as long term adults.

Oral Hearings

In all cases which are routinely dealt with at a casework meeting, consideration must be given to whether fairness requires, in the circumstances of the individual case, that an oral hearing should take place at which the prisoner can appear personally, along with a legal representative if they wish, and state their case.

CHAPTER 1: THE YEAR'S WORK

The tables below provide statistical details of the various cases considered by the Board during the period 1 April 2017 – 31 March 2018.

Determinate Sentence Prisoners – 1st review for early release	
Number recommended for parole by the Board incl parole from a forward date	72
Number not recommended by the Board	228
Number of cases deferred for further information	50
Number of cases recommended for Oral Hearing	24
	Total 374

Determinate Sentence Prisoners – 2nd or subsequent review for early release	
Number recommended for parole by the Board incl parole from a forward date	14
Number not recommended by the Board	34
Number of cases deferred for further information	12
Number of cases recommended for Oral Hearing	4
	Total 64

Determinate Sentence Prisoners – review for early release following recall	
Number recommended for parole by the Board	3
Number not recommended by the Board	20
Number of cases deferred for further information	2
Number of cases recommended for Oral Hearing	5
	Total 30

Determinate Sentence Prisoners – other considerations	
Request to transfer supervision authority	16
	Total 16

Determinate Sentence Prisoners – adverse development	
Recommendation for early release on parole withdrawn	8
Recommendation for early release on parole upheld	1
Number of cases deferred for further information	1
	Total 10

Extended Sentence Prisoners – review for early release	
Number recommended for parole by the Board incl parole from a forward date	15
Number not recommended by the Board	99
Referral for licence conditions only	82
Number of cases deferred for further information	26
Number of cases recommended for Oral Hearing	10
Total	232

Life Prisoner Cases	
Number referred to the Board for consideration including those brought forward from 2016/2017	342
Number where release directed	35
Number not recommended for release	202
Number of cases postponed or adjourned	99
Withdrawn	6
Total	342

Order for Lifelong Restrictions Prisoners (OLRs)	
Number referred to the Board for consideration	67
Total	67
Number where release directed	0

Extended Sentence Prisoner Cases – consideration for re-release at Tribunals and casework meetings	
Number referred to the Board for consideration	345
Number where release directed	20
Number not recommended for release	170
Number of cases postponed or adjourned	83
Withdrawn	38
Number of cases recommended for Oral Hearing	34
Total	345

Life Prisoners – other considerations	
Request to terminate supervision	25
Request for an earlier hearing by a Life Prisoner Tribunal	6
Amendment to life licence conditions	19
Total	50

Miscellaneous	
"Non-Parole" Licences	48
Children and Young People	19
Home Detention Curfew (HDC) licence	68
Short term sex offenders	44

Determinate Sentence Prisoners

The Board has powers to direct Scottish Ministers to release determinate sentence prisoners (i.e. prisoners serving four years or more) once they have served one half of their sentence and it may also stipulate the licence conditions of such prisoners.

During the course of 2017-18, the Scottish Government advised that there were a total of 501 cases eligible for consideration of early release. Of these, 468 cases were referred to meetings of the Board for consideration. Thirty three prisoners chose to self-reject from the parole process in which case no further consideration was made by the Board other than to set licence conditions at the appropriate time. Seven cases were withdrawn prior to consideration by the Board.

The Board recommended that 86 prisoners, or 18% of those referred during 2017-18, be released on parole.

In addition, the Board gave further consideration to 10 cases where the prisoner had been granted parole, but where a report of an adverse development was referred to the Board before the prisoner's release date. Of these, 8 had their parole release date withdrawn. In 1 case the Board agreed that the release date should stand, and 1 case was deferred for further information.

Of the cases recommended for release during 2017-18, 14 were being considered for a second or subsequent review.

Summary of Determinate Sentence Cases Where Release Recommended – by Offence

	Violence	Drugs	Sexual	Property	Other	Total
10 years or over	2	1	0	0	0	3
Under 10 years	31	22	8	3	19	83
Total	33	23	8	3	19	86

Category of Offence	Offences Include
Violence	Culpable Homicide, Attempted Murder, Assault to Severe Injury etc. Assault and Robbery.
Drugs	Contravention of the Misuse of Drugs Act and Customs and Excise Management Act.
Sexual	Rape, Attempted Rape, Sodomy, Incest, Clandestine, Injury, Lewd and Libidinous Practices.
Property	Theft, Conspiracy to Rob, Embezzlement.
Other	Road Traffic Act, Fire-Raising.

As can be seen from the following table, over the previous 12-month period there has been a very slight increase in the proportion of prisoners who have opted out of the process.

Year	2013-14	2014-15	2015-16	2016-17	2017-18
Eligible	487	498	473	431	501
Opting Out	50	45	37	18	33
%	10	9	8	4	7

“Non-Parole” Licences

The Board advises Scottish Ministers on the conditions to be attached to prisoners' release licences.

Those prisoners sentenced to four years imprisonment or more are automatically released on licence when they have served two-thirds of their sentence in custody or 6 months before the expiry of their sentence depending on when they were sentenced. These licences expire at the sentence end date. The term “non-parole” licence is used to describe the non-discretionary period of supervision in the community.

During 2017-18, the Board recommended that conditions be attached to the licences of 147 prisoners who were not released on parole. A further 48 cases were re-referred to the Board to enable it to recommend specific licence conditions to the offenders' non-parole licences.

Extended Sentence Prisoners

Scottish Ministers consult the Board about the conditions that are to be attached to the release licences of extended sentence prisoners where the combined custodial term is less than four years but where the aggregate sentence (i.e. custodial term and extension period combined) is four years or more.

During 2017-18, Scottish Ministers referred 33 cases to the Board where the courts had imposed extended sentences where the aggregate term totalled four years or more in order that the Board could recommend the conditions to be attached to the prisoners' release licences.

Life Sentence Prisoners

The Board has the power to direct Scottish Ministers to release life prisoners on licence in circumstances where a Tribunal of the Board is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined. The Board is only required to consider the case when the prisoner has served the punishment part of his or her sentence, i.e. the minimum period fixed by the Court that the prisoner must serve in custody before being eligible for consideration of release on licence.

A Tribunal consists of three members of the Board, appointed by the Chairman of the Board. The individual who is appointed to act as Chairman of the Tribunal must be either:

A person who holds or has held judicial office; or

A solicitor or advocate of not less than 10 years standing.

During 2017-18, the Scottish Ministers referred to the Board the cases of 342 life prisoners in order that Tribunals could determine whether or not the individuals concerned should be released on life licence.

Consideration of 342 cases took place in 2017-18. In 35 cases, the Tribunals directed Scottish Ministers to release the prisoner; Tribunals did not direct release in 202 cases; 99 cases were adjourned or postponed and 6 cases were withdrawn in 2017-18.

The following table shows the number of Life Sentence Prisoner Tribunals convened to consider the cases of life prisoners since 2013 and the outcome of these Tribunals.

	2013-14	2014-15	2015-16	2016-17	2017-18
Cases Referred	351	283	319	375	342
Cases Carried Over	8	37	47	N/A	N/A
Total Cases	359	320	366	N/A	N/A
Release Directed	56	68	44	46	35
Retain Release Date	None	None	None	None	None
Revised Release Date Awarded	None	None	None	None	None
Release Date Withdrawn	None	None	None	None	None
Number Who Died Before Case Considered	3	0	0	0	0
Further Review	187	159	195	207	202
Postponed or Adjourned	67	56	114	106	99

Details of the period of years served by life prisoners prior to their first being released on life licence are given at Appendix A together with the corresponding information for preceding years. The table at Appendix A shows that the majority of those first released on licence during 2017-18 had spent more than 10 years in custody.

Orders for Lifelong Restriction Prisoners (OLRs)

During 2017-18, Scottish Ministers referred 67 Orders for Lifelong Restriction to the Board for consideration by Tribunal. Of those 67 considered, none were released on licence.

Children and Young People

The Board has responsibility for considering the case for early release of young people sentenced to four years or more under section 208 of the Criminal Procedure (Scotland) Act 1995 referred to it by Scottish Ministers, and in all cases, sets the conditions to be attached to the young person's release licence.

In 2017-18, the cases of 12 children and young people sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 were referred to the Board. None of these cases were referred in order that the Board might consider whether or not it was appropriate that the individual be granted early release on licence.

All 12 cases involved children and young people who were due to be released on licence and whose cases were referred in order that the Board might consider the conditions to be attached to their release licences.

A further 3 cases were reported to the Board where children and young people sentenced under section 208 of the 1995 Act and released under section seven of the 1993 Act had breached the conditions of their licence. The Board recommended that all 3 be recalled to custody.

During the same period the Board considered the re-release of 4 young people, none were granted re-release.

Compassionate Release

The Board makes recommendations to Scottish Ministers on individual cases and these recommendations are binding on Ministers in almost all matters. Decisions on compassionate release lie with the Cabinet Secretary for Justice.

During 2017-18, Scottish Ministers referred 1 case to the Board so that it could provide advice on the prisoner's suitability for release on compassionate grounds.

Possible Grounds for Recall

The Board has the powers to recommend the recall to custody of determinate sentence prisoners serving sentences of four years imprisonment or more, short term sexual offenders, extended sentence prisoners, Orders for Lifelong Restrictions and life sentence prisoners. The Scottish Ministers are statutorily obliged to accept the Board's recommendation. The Board may direct the Scottish Ministers to re-release any prisoner who has been recalled to custody.

Parole Licensees

During 2017-18, 14 licensees were reported to the Board for behaviour potentially constituting grounds for recall. The Board was obliged to give further consideration to these cases and determine whether to recommend that the individuals be recalled to custody, issued a warning letter, or the matter dealt with in another way.

Thirteen were recalled to custody and one received a warning letter. The Board subsequently re-released 1 licensee. The remainder were not re-released.

Non-Parole Licensees

During 2017-18, the Board was asked to consider the cases of 186 individuals who were the subject of "non-parole" licences (i.e. those released having served two-thirds of their sentence/or 6 months before expiry of their sentence depending on when they were sentenced and those who were released on parole, but the discretionary period had expired) whose behaviour in the community was giving rise for concern.

Warning letters were issued to 30 licensees and 144 were recalled to custody and no action was taken in 2 cases. The Board subsequently re-released 22 licensees. The remainder were not re-released.

Oral Hearings

In the interests of fairness and justice the Board may convene an oral hearing within the prison where the prisoner is situated, if it considers that there are issues raised by the prisoner that cannot be resolved without an oral hearing. During the period 2017-18 the Board held 194 oral hearings which included prisoners who were considered more than once.

Extended Sentences

In the event of an extended sentence prisoner being recalled to custody, Scottish Ministers are required to refer the case to the Board to consider whether it is "necessary for the protection of the public from serious harm that the prisoner shall continue to be confined". The case for re-release must be considered by a Tribunal of the Board if the prisoner is serving the extension period of the sentence. The Tribunal, if not recommending immediate re-release, must be satisfied that it is necessary to hold the offender in custody in order to protect the public from serious harm. The cases of those serving the custodial term of their sentence are considered at a casework meeting.

During 2017-18, Scottish Ministers referred 149 cases to the Board where the behaviour of the licensee was giving cause for concern. The Board recommended that 90 licensees be recalled to custody, 43 should be issued warning letters, no action was taken in 4 cases, 10 cases were deferred and 2 were withdrawn.

During the year, the Board convened 42 extended sentence prisoner tribunals for consideration of immediate re-release. Of these, 34 prisoners had been recalled by the Board at case work meetings; immediate re-release was directed in 9 cases and 25 were not re-released. In addition, the Scottish Ministers revoked the licences of 8 individuals; immediate re-release was directed in 2 cases, and 6 were not re-released.

During 2017-18, the Board considered the cases of 170 extended sentence prisoners who were entitled to a further review following recall. These further reviews resulted in 22 of the offenders being re-released on licence and 148 were not re-released.

In 2017-18, 16 prisoners self-rejected from having a further review at a Tribunal.

Life Licensees

In the event of a life licensee being recalled to custody, Scottish Ministers are required to refer the case to the Board to consider whether it is necessary for the protection of the public that the prisoner shall continue to be confined. The case for re-release must be considered by a Tribunal of the Board.

During 2017-18, the Board considered the cases of 58 licensees who had allegedly breached the conditions of their licence or whose behaviour in the community was giving cause for concern.

The Board recommended that 37 licensees be recalled to custody. The Board subsequently released 14 of these individuals and 16 were not re-released. There were 7 cases withdrawn because of additional sentences. In addition, the Scottish Ministers referred to the Board 19 cases of life prisoners where they had revoked the licences. Of these, 1 was re-released.

Warning letters were issued to 15 licensees and 6 were deferred.

The Board was also required to convene Tribunals to consider the cases of 41 life prisoners who had been recalled to custody in previous years. In 6 cases the Tribunals directed re-release on licence and in 35 cases the Tribunals of the Board did not direct re-release on life licence.

Home Detention Curfews (HDCs)

The Management of Offenders etc. (Scotland) Act 2005 provided for the introduction of Home Detention Curfews (HDCs) in Scotland. HDC is a package of measures contained in that Act designed to co-ordinate and manage offenders more effectively in the community and to reduce the risk of re-offending. HDCs are designed to allow selected low risk prisoners the opportunity to serve the last part of the custodial component of their sentence in the community subject to licence conditions including electronic monitoring. HDCs for those prisoners serving short term sentences of less than four years were introduced with effect from 3 July 2006. On 21 March 2008, the maximum duration of HDC was extended from four and a half months to six months and the scheme was also extended to long term prisoners (those sentenced to four or more years in custody) in cases where the Parole Board has recommended release on parole at the parole qualifying date (i.e. the half way stage of their sentence).

The decision to grant an HDC rests with the Scottish Prison Service. A risk assessment is undertaken, which includes a report from local authority criminal justice social workers.

If a prisoner released on an HDC licence breaches any of the licence conditions, he or she may be recalled to custody and their licence revoked. In practice the decision will be exercised on behalf of Scottish Ministers by the Scottish Prison Service, based on evidence of a breach supplied by the electronic monitoring company, the criminal justice social worker or the police.

On being returned to custody the prisoner must be advised of the reasons for the revocation of the licence and of his or her right to make representations to Scottish Ministers. If such a prisoner does make written representations to Scottish Ministers the case must be referred to the Parole Board. It is the Parole Board's role to determine whether or not to direct Scottish Ministers to cancel the revocation of the licence.

During 2017-18, the Board considered the cases of 68 prisoners who had been released on HDC licences and who had subsequently been returned to custody. In 14 cases the Board upheld the prisoner's grounds for appeal and directed Scottish Ministers to cancel the revocation of the licences. In 44 cases the Board refused the appeal, 5 cases were withdrawn and the remaining 5 cases were deferred.

Sexual Offenders Sentenced to Short Term Determinate Sentences

Section 15 of the Management of Offenders Etc (Scotland) Act 2005 amended the Prisoners and Criminal Proceedings (Scotland) Act 1993 by inserting a Section 1AA which provides that short term prisoners sentenced to a term of six months or less than four years and who, by virtue of their conviction are subject to the notification requirements of the Sexual Offences Act 2003 will be released on licence as soon as they have served one-half of their sentence.

These provisions came into effect on 8 February 2006 and apply to offenders in custody at that time as well as any individual sentenced on, or after that date for an offence that is the subject of the notification requirements of the Sexual Offences Act 2003. Scottish Ministers set appropriate licence conditions for this group of offenders. Scottish Ministers do not seek the views of the Parole Board on such licence conditions. Section 1AA applies Section 17 of the 1993 Act to this group of offenders therefore Scottish Ministers and the Parole Board may consider alleged breaches of licence conditions and, where it is considered appropriate, revoke the licence and return the offender to custody. The Parole Board is responsible for considering the case for re-release and taking the action considered appropriate in each case in accordance with The Parole Board (Scotland) Rules 2001.

During 2017-18, Scottish Ministers referred 44 cases to the Board where the behaviour of licensees had given cause for concern. In 38 cases, the Board recommended that the offenders be recalled to custody, warning letters were issued in 6 cases.

Of the 49 cases recalled, which includes 11 cases recalled by Scottish Ministers, immediate re-release was refused in 39 cases, 8 were released and 2 were withdrawn.

CHAPTER 2: BOARD MEMBERSHIP, MEETINGS AND VISITS

Board Meetings

2017-2018 was the 50th year of the operation of the parole system in Scotland. During this period the Board met on 124 occasions to consider the cases of prisoners and licensees referred by Scottish Ministers. The Board also concluded 342 Life Prisoner Tribunals, 212 Extended Sentence Tribunals and 194 oral hearings during the year.

Board Membership

The membership of the Board during 2017-18 is shown on page 6. During this period the terms of appointment came to an end for Terry Powell, Valerie Cox, John Hamilton, John McCaig, Katie McQuillan, Jack McVey, Joan Morrison and David Pia. The Board welcomed Karen Alexander, Jackie Peters, Linda Reid, Sarah Walker, Dr Karen Richard, Fiona Grant, Sukinder Kaur Gill, Stephen O'Rourke, Patricia Pryce and Mirian Watson.

Visitors

The Board welcomed a number of visitors to its casework meetings throughout the year including prison officers; prison and community based social workers; officials of the Scottish Government's Justice Directorate; and Senators of the College of Justice.

Parole Board Management Group

During 2017-18 the Parole Board Management Group (PBMG) met on 8 occasions. The remit of the PBMG can be found in section 5 of the Memorandum of Understanding which can be found on the Parole Board website www.scottishparoleboard.gov.uk. The topics covered were work of the Board, members, recruitment, training and development, business planning and parole change.

PBMG members during 2017-18 were:

Mr John Watt – Parole Board Chair

Mr George Connor – Parole Board member. Vice Chair

Mr Terry Powell (until May 2017) – Parole Board member.

Ms Rona Sweeney – Parole Board member

Mr Colin Spivey – Chief Executive

Darren Myles-Wright (from August 2017) – Parole Board member

Ian Bryce (from August 2017) – Parole Board member, Vice Chair

Parole Board Conference

The Parole Board did not hold an Annual Conference during 2017-18.

Parole Board Website

The Board's website is at www.scottishparoleboard.gov.uk. The website contains information about the members of the Board, the Board's statutory powers and functions as well as providing responses to some frequently asked questions about parole. In addition, annual reports from earlier years can be viewed on the website.

The Board wishes to thank the many individuals and agencies who continue to support the parole system for all their help and encouragement. The Board also wishes to thank the officials and staff of the Scottish Government's Justice Directorate and the Scottish Prison Service for their help throughout the year. In addition, the Board wishes to record its appreciation to its staff for its continuing support and service throughout the year.

Parole Board for Scotland
Saughton House
Edinburgh

March 2019

**APPENDIX A:
TIME SPENT IN CUSTODY BY
PERSONS FIRST RELEASED
FROM LIFE SENTENCES**

Year of Release	Years Detained in Custody									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
1971	-	-	1	2	-	-	-	-	-	3
1972	-	-	1	-	2	-	-	-	-	3
1973	-	1	1	1	2	-	-	-	1	6
1974	-	-	2	5	1	1	1	-	-	10
1975	-	1	4	6	3	1	-	-	-	15
1976	-	1	6	5	5	1	-	-	-	18
1977	-	-	2	4	5	1	1	1	1	15
1978	-	-	5	4	1	2	-	-	1	13
1979	1	1	2	5	6	2	2	1	1	21
1980	-	-	3	4	6	4	5	3	-	25
1981	-	1	7	20	4	4	4	1	-	41
1982	1	-	-	9	10	1	3	2	3	29
1983	2	3	4	14	11	2	-	-	2	38
1984	1	-	1	5	6	1	-	-	1	15
1985	1	1	5	4	6	4	1	-	1	23
1986	-	2	4	3	8	2	5	-	-	24
1987	-	-	1	4	6	2	-	1	1	15
1988	-	-	-	-	5	3	1	1	1	11
1989	-	-	-	2	2	4	8	5	4	25
1990	-	-	-	3	7	6	4	2	4	26
1991	-	-	-	1	5	4	2	1	10	23
1992	-	-	-	3	4	3	6	2	5	23
1993	-	-	-	5	8	7	3	1	10	34
1994	-	-	-	2	-	9	1	2	4	18
1995	-	-	-	-	2	6	7	7	4	26
1996	-	-	-	1	4	2	5	3	3	18
1997	-	-	-	-	2	2	2	4	8	18
1998	-	-	-	1	2	1	4	1	7	16
1999	-	-	-	1	2	-	-	-	7	10
2000	-	-	1	2	2	3	2	1	6	17
2001	-	-	-	2	3	2	3	4	14	28

Year of Release	Years Detained in Custody									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
2002	-	-	2	1	7	5	3	5	36	59
2003	2	2	3	4	6	4	3	2	25	51
2004	2	3	1	4	4	1	4	1	8	28
2005	-	1	1	-	3	5	1	2	9	22
2006	1	2	1	2	4	2	1	1	8	22
2007-08	-	3	2	2	4	5	10	3	15	44
2008-09	-	1	1	5	1	3	3	6	11	31
2009-10	-	-	1	1	3	4	7	7	16	39
2010-11	-	1	-	3	5	4	1	5	11	30
2011-12	-	1	-	1	1	3	2	7	7	22
2012-13	1	-	1	2	2	1	3	4	13	27
2013-14	-	1	-	2	2	7	1	3	9	25
2014-15	-	-	-	1	4	1	4	4	20	34
2015-16	-	-	-	1	2	1	7	-	9	20
2016-17	-	-	-	1	-	1	3	10	1	16
2017-18	1	1	-	-	5	1	5	8	6	27
Total	13	27	63	148	183	128	128	111	303	1,104 ¹

Note 1 does not include those recalled to custody and subsequently re-released.

**APPENDIX B:
STATUTORY PROVISIONS AND
FINANCIAL INFORMATION**

**Prisoners and Criminal Proceedings (Scotland) Act 1993, as amended
SCHEDULE 2**

The Parole Board

Membership

1. The Parole Board shall consist of a Chairman and not less than 4 other members appointed by the Scottish Ministers.
- 1A. In making those appointments, the Scottish Ministers shall comply with such requirements as to procedure and consultation as may be prescribed in regulations made by them.
- 1B. In making regulations under paragraph 1A above, the Scottish Ministers may make different kinds of members of the Board, including kinds of members having the respective qualifications for office specified in paragraph 2 below.
2. The Parole Board shall include among its members:
 - (a) a Lord Commissioner of Justiciary;
 - (b) a registered medical practitioner who is a psychiatrist;
 - (c) a person appearing to the Scottish Ministers to have knowledge and experience of the supervision or after-care of discharged prisoners; and
 - (d) a person appearing to the Scottish Ministers to have made a study of the causes of delinquency or the treatment of offenders.

Limitation, termination etc. of appointment of members

- 2A. An appointment as a member of the Parole Board shall, subject to paragraph 2B to 2D below, last for such period, being not shorter than 6 years nor longer than seven years, as is specified in the instrument of appointment.
- 2B. A member of the Parole Board may resign at any time by giving notice to that effect to the Scottish Ministers.
- 2C. An appointment of a person as a member of the Parole Board shall not extend beyond the day when the person reaches the age of 75.
- 2D. The appointment of a member of the Parole Board shall come to an end upon the member's being removed from office under paragraph 3 on next page.

- 2E. A person may be reappointed to be a member of the Parole Board only if:
- (a) three years or more have passed since the person ceased to be a member of the Parole Board; and
 - (b) the person has not previously been reappointed under paragraph 2E(a) above.
- 2F. A person whose membership of the Parole Board came to an end by resignation under paragraph 2B above may be reappointed under paragraph 2E on previous page.
- 2G. A person whose membership of the Board came to an end on removal from office under paragraph 3 below shall not be reappointed.
- 2H. The provisions of paragraph 1 to 2D on previous page apply to a reappointment under paragraph 2E on previous page as they apply to an appointment.

Performance of duties

- 2I. The Chairman of the Parole Board shall have regard to the desirability of securing that every member of the Parole Board is given the opportunity of participating appropriately in the functions of the Board under this Act on not fewer than 20 days in each successive period of 12 months beginning with the day of the member's appointment as such.

Removal of members from office

3. A member of the Parole Board may be removed from office by and only by order of the tribunal constituted by and under paragraph 3B below ("the tribunal").
- 3A. The tribunal may order the removal from office of a member only if, after investigation carried out at the request of the Scottish Ministers, it finds that the member is unfit for office by reason of inability, neglect of duty or misbehaviour.
- 3B. The tribunal shall consist of the following three members, who shall be appointed by the Lord President of the Court of Session:
- (a) either a Senator of the College of Justice or a sheriff principal (who shall preside);
 - (b) a person who is, and has been for at least 10 years, legally qualified; and
 - (c) one other person who shall not be legally qualified.

- 3C. For the purposes of paragraph 3B above, a person is legally qualified if that person is an advocate or a solicitor.
- 3D. Regulations made by the Scottish Ministers:
- (a) may make provision enabling the tribunal, at any time during an investigation, to suspend a member from office and providing as to the effect and duration of such suspension; and
 - (b) shall make further provision as respects the tribunal as the Scottish Ministers consider necessary or expedient, including provision for the procedure to be followed by and before it.

Remuneration and Allowances

4. There shall be paid to the members of the Parole Board such remuneration and allowances as the Scottish Ministers may, with the consent of Treasury, determine.
5. The expenses of the Board under paragraph 4 above and any other expenses incurred by the Board in discharging its functions mentioned in section 20(1) of this Act shall be defrayed by the Scottish Ministers.

Reports

6. The Board shall as soon as possible after the end of each year make to the Scottish Ministers a report on the performance of its functions during the year, and the Scottish Ministers shall lay a copy before Parliament.

Regulations

- 6A. Regulations under paragraphs 1A and 3D on previous page shall be made by statutory instrument.
- 6B. No such regulations shall be made unless laid before, and approved by resolution of, the Scottish Parliament.

Financial Information

Fees and Expenses

- Under the provisions of Schedule 1 of the 1989 Act and Schedule 2 of the 1993 Act, members of the Parole Board for Scotland may receive sessional fees for attendance at Board meetings; and they may also be paid a full fee or part of a fee for undertaking other business of the Board, the sessional rates payable to each category of member during 2017-18 were as follows:

1/4/17 - 31/3/18

Chairman	£376
Legal Member	£318
Psychiatrist	£318
General Member	£205
Case Work Meeting Chair	£50

- Members of the Board are also paid allowances for travelling and subsistence in accordance with prescribed scales.
- The Board's expenditure during 2017-18 was £1,972,077 made up as follows:

Members Fees, Staff Salaries and Travel/Subsistence	£1,790,043
Legal Costs	£65,178
Other	£116,856
Total	£1,972,077

Cost Effectiveness

- The Board recognises the need to have due regard to economy and cost effectiveness in carrying out its functions. Examination of the costs incurred by the Board during 2017-18 reveals that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2017-18 for life prisoners and extended sentence prisoners is £990. The average cost of considering a case at a meeting of the Board is £170.
- The average cost to carry out these functions includes members' fees; and their travel and subsistence costs.

Judicial Review – Compensation Payments

6. There have been no compensation claims in this reporting year.

Report on Expenditure under Part 3 of Public Services Reform (Scotland) Act 2010

Public Relations	Nil
Overseas Travel	Nil
Hospitality and Entertainment	Nil
External Consultancy	Nil
Payments in excess of £25,000	Nil
Employees/Members earning in excess of £150,000	Nil

The Parole Board for Scotland is committed to meeting Scottish Ministers expectation that Public Bodies deliver efficiency savings. A number of efficiency savings were made in 2017-18 due to the ongoing use of video conferencing, where appropriate, for tribunals and through the continued development and implementation of electronic working for Parole Board members.



The Parole Board for Scotland
Saughton House
Broomhouse Drive
Edinburgh EH11 3XD

t. 0131 244 8373
f. 0131 244 6974

www.scottishparoleboard.gov.uk