

Parole
Board
for
Scotland

Annual
Report
2018/19





2018/19

At a glance

Oral hearings

Oral hearings have risen by

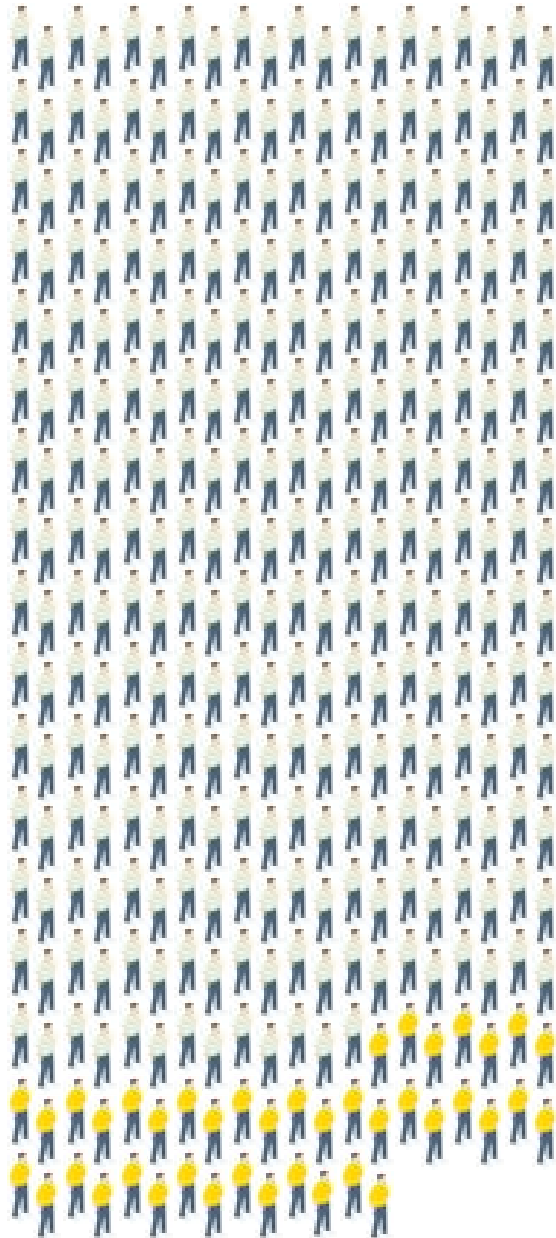
91%

from last year.



Life prisoner cases

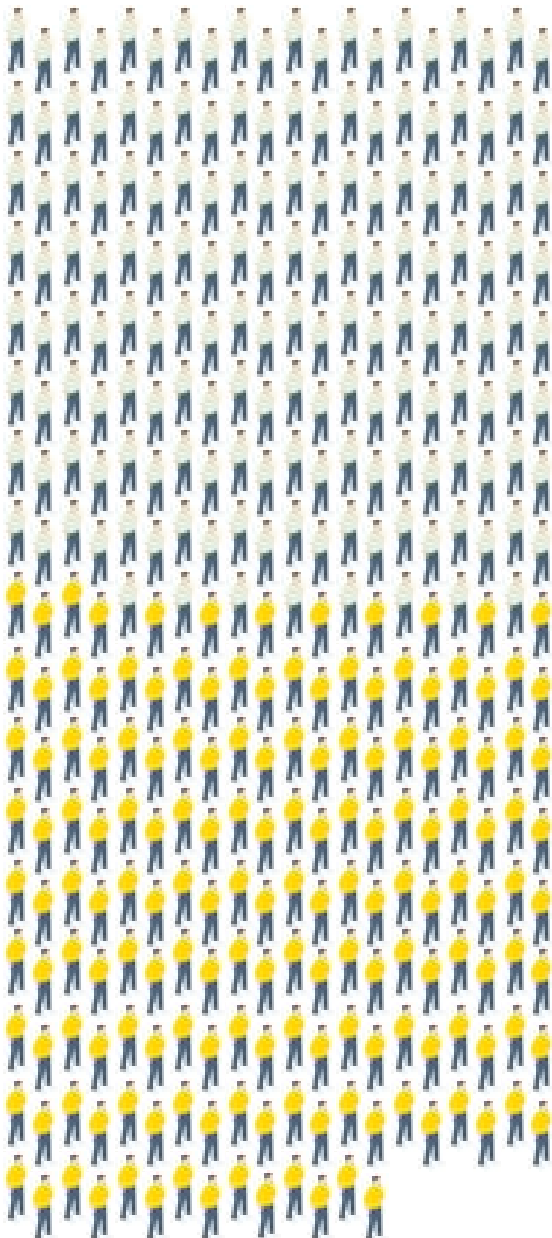
37



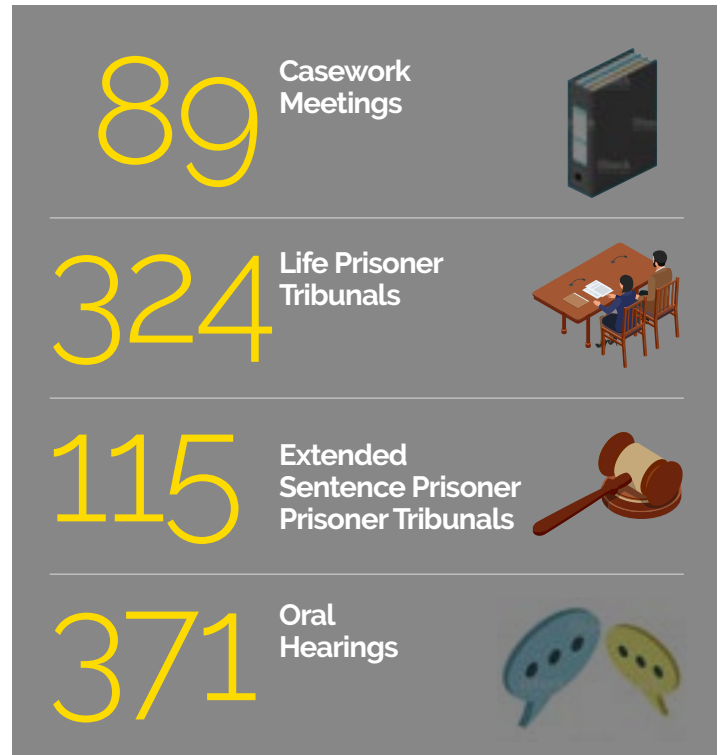
Of the 324 Life Prisoner cases considered, **37 were released.**

Life prisoner cases

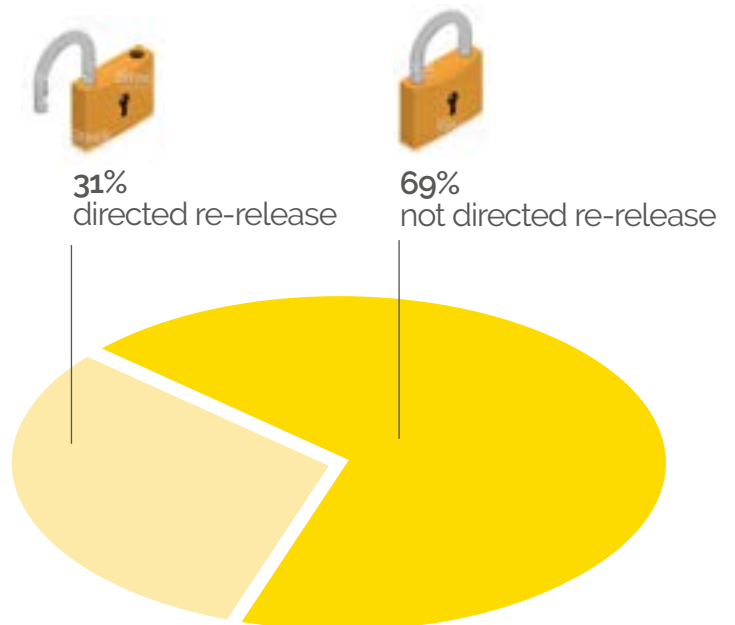
170 



Of the 324 Life Prisoner cases considered, **170 were not recommended for release.**



Recalled prisoners



69%

69% of prisoners recalled were **not directed re-release** from their Tribunal.

Presented to Parliament
under Schedule 2, paragraph 6
of the Prisoners and Criminal
Proceedings (Scotland) Act 1993.
Laid before the Scottish
Parliament by the
Scottish Ministers.

SG/2020/16
August 2020

© Crown copyright 2020
The Parole Board for Scotland
Saughton House
Broomhouse Drive
Edinburgh EH11 3XD
APS Group Scotland
PPDAS609610 (08/20)
Published by The Parole Board
for Scotland, August 2020



Contents

07 _____ Chair's
Foreword

08 _____ Chief Executive's
Review

10 _____ About the
Parole Board

14 _____ **Chapter 1**
The Year's
Work

25 _____ **Chapter 2**
Progress
Report

Appendices

30 _____ **A:** Background Tables

36 _____ **B:** Statutory Provisions
and Financial Information

01.1 Foreword

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 2018-19.

As in previous years the report shows the considerable volume 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 undertakes needs to be, and is, of the highest standard involving difficult and complex decisions which have a direct bearing on the safety of communities across Scotland. It has 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 noticeable increase in the number of postponed or adjourned Tribunals which have almost doubled over the last year. There are many reasons for postponement and adjournment some of which are inevitable but some of which may be avoided. They 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 so far as possible but this is not a problem which can be solved by the Board alone and needs to be addressed by the whole parole system.



Oral Hearings in the cases of determinate sentences and some extended sentences are on a rising trajectory and have risen significantly over the year. 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 concern that the number of cases in which the Board has considered revoking a parole licence has increased. The Board and Parole Scotland will continue to work with those who supervise offenders in the community to identify the reasons for this and try to find ways to reduce the number of offenders who are reported to the Board for consideration of return to prison. This is not a problem which can be solved by the Board alone but needs to be addressed by the whole parole system.

The way in which the Parole Board for England and Wales decided the "Worboys" case was explored by the English Divisional Court and it was held, in March 2018, that the England and Wales Parole Board should have done more to investigate aspects of the evidence before it

when making its decision. Essentially, the Court held that the Board should have investigated historic charges which had been made against the prisoner but of which he had not been convicted. While this was an English case, the reasoning of the Court applies also in Scotland and the Scottish Board is very aware that it must ensure that all necessary inquiries are carried out before a final decision can take place. This may involve delay while agencies such as the police or prosecuting authorities provide information but such delay is necessary for a fully informed decision which protects victims and communities while preserving the rights of the prisoner to a fair hearing. This case will have continuing implications for the Board in Scotland and for the parole system more generally.

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 Gillian Crompton, Wilma Dickson, Christopher Hawkes, Sheriff James Macdonald, Catherine Smith, Gillian Stanage and Sheriff David Young whose appointments to the Board came to an end during this reporting period.



John Watt
Chair,
Parole Board for Scotland

OT12 Review

Chief Executive's Review

It has been an honour to serve as the Board's Chief Executive over the last year, a year that has again seen considerable change. This has resulted from external events but also from our continued drive to improve the Board's effectiveness, efficiency and visibility.

None of the significant progress we have made over this year could have been achieved without the remarkable team that supports the Board to perform their functions. They have continued to respond to the pace of change, and the challenges that presents, with enthusiasm and professionalism.

The year has seen the Management of Offenders Bill progress through the Scottish Parliament and we expect to see it enacted early in the next financial year. The Board welcomes the provisions of the Bill which address, to some extent, a number of long standing issues such as the governance of the Board, the tenure of members and the oversight of their appointment.



At the same time the Scottish Government has run a public consultation "Transforming Parole in Scotland" which closed in March of this reporting year. The Board provided a full response to the consultation and has suggested a number of changes to current arrangements which we believe would improve the whole parole system. We look forward to receiving the Government's report on the consultation once they have analysed the results, and working closely with them, and other organisations involved in the parole system on developing and implementing any changes that result.

Aside from these external factors the Board has progressed several projects to improve our systems and processes. We have introduced electronic working for most of our Board members and have developed a peer review scheme that we will fully introduce in the next year. We are working with the Scottish Prison Service to introduce a memorandum of understanding to clearly set out the quality and accommodation standards that the Board requires to do its job properly. To increase understanding of what we do we have delivered many training sessions and presentations to Social Work teams and others. We are increasing our engagement with victims and victims organisations to better understand their experience of the system. I am pleased to note the continued progress that we are making on victim service delivery. Our standards are monitored and reviewed annually. They are available on our [website](#).

The Board is fully aware of the need to ensure efficient and cost effective service delivery and financial information is in Appendix B of this Report.

We know the next year will bring further change and we are excited about the opportunities and challenges that presents. In facing those challenges we will continue to ensure that the Board remains focused on our part in making Scotland a safer place.



Colin Spivey
Chief Executive,
Parole Board for Scotland

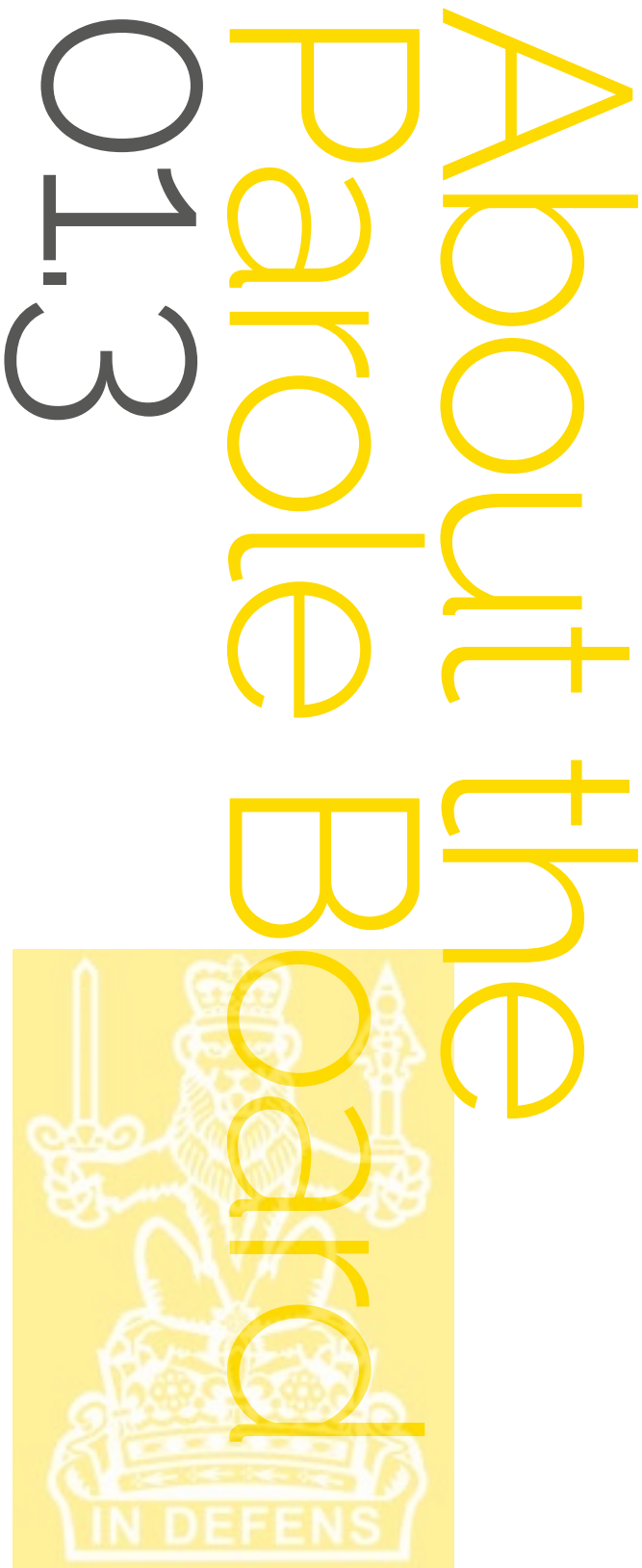
About the Parole Board

The Board is a judicial body, and Members hold judicial office independent of Scottish Ministers and the Scottish Courts and Tribunal Service. The Board is a court, not in the conventional sense of a court which resolves or determines disputes between parties or presides over criminal cases, but for the narrow purposes of Article 5(4) of the European Convention on Human Rights. Article 5(4) requires that *“everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful”*. Scottish Ministers do not wait for prisoners to take proceedings but rather automatically refer prisoners to the Board, as the court for the purposes of Article 5(4), so that release may be considered timeously. 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 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 meeting 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 total 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 a face to face consideration 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 Board will consider if 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 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 OLR 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.

Compassionate Release

The Board provides advice to Scottish Ministers on individual cases and these recommendations are binding on Ministers in almost all matters. Decisions on compassionate release lie with Scottish Ministers.

Home Detention Curfews

The decision to grant an Home Detention Curfew (HDC) rests with the Scottish Prison Service. A risk assessment is undertaken, which includes a report from local authority criminal justice social workers. The Board only operates as the appellate body in the case of alleged breaches of HDC conditions.

Adverse Developments

Once the Board has considered a case and made a decision, should any further information come to light which would have an impact on its decision, such as an adverse development or information which the Board did not have at the time it made its decision, the case can be formally referred back to the Parole Board.

Deportation

The Board makes decisions and recommendations in cases where the prisoner may be subject to deportation on release. In cases where the prisoner is liable to deportation has a determinate sentence then the Board makes a recommendation which is not binding on Scottish Ministers. In cases where the prisoner is liable to deportation has an indeterminate sentence (life sentence or order for lifelong restriction) then only the Board can direct release.

Chapter One

The Year's Work O.T.4



The tables below provide statistical details of the various cases considered by the Board during the period 1 April 2018 – 31 March 2019.

Determinate Sentence Prisoners – 1st review for early release

Number recommended for parole by the Board including parole from a forward date	66
Number not recommended by the Board	196
Number of cases deferred for further information	31
Number of cases recommended for Oral Hearing	70
Total	363

Determinate Sentence Prisoners – 2nd or subsequent review for early release

Number recommended for parole by the Board including parole from a forward date	21
Number not recommended by the Board	58
Number of cases deferred for further information	2
Number of cases recommended for Oral Hearing	20
Total	101

Determinate Sentence Prisoners – review for early release following recall

Number recommended for parole by the Board	3
Number not recommended by the Board	37
Number of cases deferred for further information	1
Number of cases recommended for Oral Hearing	11
Total	52

Determinate Sentence Prisoners – other considerations

Request to transfer supervision authority	8
Total	8

Determinate Sentence Prisoners – adverse development

Recommendation for early release on parole withdrawn	5
Recommendation for early release on parole upheld	0
Number of cases deferred for further information	0
Total	5

Extended Sentence Prisoners – review for early release

Number recommended for parole by the Board including parole from a forward date	15
Number not recommended by the Board	153
Referral for licence conditions only	82
Number of cases deferred for further information	16
Number of cases recommended for Oral Hearing	19
Total	285

Life Prisoner Cases

Total number referred to the Board for consideration including those brought forward from 2018/2019	324
Number where release directed	37
Number not recommended for release	170
Number of cases postponed or adjourned	113
Withdrawn	4
Total	324

Order for Lifelong Restrictions Prisoners (OLRs)

Number referred to the Board for consideration	74
Total	74

Extended Sentence Prisoner Cases – consideration for re-release at Tribunals and casework meetings

Total number referred to the Board for consideration	342
Number where release directed	27
Number not recommended for release	167
Number of cases postponed or adjourned	104
Withdrawn	15
Number of cases recommended for Oral Hearing	29
Total	342

Life Prisoners – other considerations received

Request to terminate supervision	14
Request for an earlier hearing by a Life Prisoner Tribunal	7
Amendment to life licence conditions	14
Total	35

Miscellaneous - other considerations received

"Non-Parole" Licences	49
Children and Young People	8
Home Detention Curfew (HDC) licence	41
Short term sex offenders	63
Compassionate Release	1

Summary of Determinate Sentence Cases Where Release Recommended – by Offence

	Violence	Drugs	Sexual	Property	Other	Total
10 years or over	4	1	2	0	1	8
Under 10 years	31	27	8	0	13	79
Total	35	28	10	0	14	87

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. In addition, 1 extended sentence prisoner self-rejected from having a further review, at a Tribunal, following recall.

Year	2016-17	2017-18	2018-19
Eligible	431	501	516
Opting Out	18	33	44
%	4	7	9

Extended Sentence Prisoner recall

Cases considered where licensees behaviour was a cause for concern	162
Recalled to custody	112
Warning Letters	38
No Action	1
Deferred	10
Withdrawn	1

Grounds for recall – Parole Licensees

Reported for possible grounds for recall	36
Recalled to custody	24
Warning Letter	12
Re-Released	3
Not Released	21

Grounds for recall – Non Parole Licensees

Cases considered for those released on non-parole licence	176
Recalled to custody	120
Warning Letter	27
No Action	3
Re-Released	12
Withdrawn	14

* Non-Parole licence - 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.

Extended Sentence Prisoner immediate re-release

Number of Immediate re-release Tribunals	36
Number of cases that directed re-release	10
Number of cases not re-released	25
Number of licenses revoked by Scottish Ministers	1
Number of licensees re-released after Scottish ministers recall	0

Extended Sentence Prisoners first and subsequent review following recall

Cases considered a further review following recall	170
Re-release on licence	20
Not Re-release	148
Self-rejected from further Tribunal	2

Life Sentence Prisoners recall

Cases considered where licensees allegedly breached their licence conditions or behaviour was of concern in the community	70
Recalled to custody	38
Released	15
Not Re-released	22
Withdrawn	1
Warning Letter	16
Deferred	11
Cases outstanding	4
Ineligible	1
Number of licenses revoked by Scottish Ministers	2
Number of licensees re-released after Scottish Ministers recall	0

Life Sentence Prisoners Tribunal

Number of re-release Tribunals	24
Re-released on licence	7
Not Re-released	17

HDC licence Breach

Cases considered of those on HDC returned to custody	23
Grounds for appeal upheld	5
Appeal refused	13
No Action	1
Deferred	4

STSO Determinate sentences recall

Cases referred from Scottish Ministers where licensees have given cause for concern	57
Recalled	36
Warning Letter	15
Deferred	6

STSO Determinate sentences immediate re-release

Released	4
Not Re-released	26
Withdrawn	5

“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 2018-19, the Board recommended that conditions be attached to the licences of 167 prisoners who were not released on parole.

A further 49 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 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 2018-19, Scottish Ministers referred 54 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.

Orders for Lifelong Restriction Prisoners (OLRs)

During 2018-19, Scottish Ministers referred 74 Orders for Lifelong Restriction to the Board for consideration by Tribunal. Of those 74 considered, 2 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 2018-19, the cases of 6 Children and Young People sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 were referred to the Board.

All 6 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 case was reported to the Board where C&YP 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 they be recalled to custody.

During the same period, the Board considered the re-release of 1 young person, they were not granted re-release.

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 2018-19 the Board held 371 oral hearings which included prisoners who were considered more than once.

Chapter Two

Progress Report

015



Decision-making

The Board decision-making process is rigorous, fair, defensible and independent. The Board makes fully informed decisions based on all of the evidence available and identifies, and, where appropriate, applies best practice in decision-making.

The Board commenced a project to assess the effectiveness of producing a minute summarising the reasons for a decision that may be available to victims on request. Work on this will continue following the results of the Transforming Parole in Scotland consultation.

We are committed to ensuring that the Board's decision-making is of the highest quality and believe that this requires a feedback mechanism for our members. We have developed a peer review scheme to monitor and improve the performance of Board members which will be implemented next year.

Our people

The Board is committed to being an inclusive, open and diverse organisation which reflects the community it serves. Members come from a variety of backgrounds and experiences and are appointed by Scottish Ministers through a rigorous selection process to ensure transparency, objectively and fairness.

Seventeen new members (9 general and 8 legal) were appointed this year further diversifying the Board. All new members received full induction training over 8 days.

The Board continued to focus on professional development of its members to recognise and understand equality issues and developments in offender risk to enhance the quality and consistency of risk assessments and reduce the risk of any bias. Three training events were

organised for members covering a broad range of topics which included legislative updates, implications of Worboys case in England, electronic working, peer review, case formulation and equality and diversity.

We continue to strive to create a more diverse organisation which allows everyone to be themselves at work, knowing they will be treated fairly and supported to achieve their potential. All staff are consulted on decisions that will impact them and we encourage a transparent environment.

Working arrangements

We are committed to enhancing our quality and efficiency, learning from mistakes experienced and issues encountered, and auditing and refining our own practices. The Parole Board Management Group (PBMG) met 8 times in 2018-19 to discuss the operational performance and provide strategic oversight of corporate governance delivery of the Board. This resulted in a number of improvements made to our operating procedures and practices which included the commencement of negotiation of a Memorandum of Understanding between the Board and the Scottish Prison Service to ensure high quality standards are met.

PBMG members during 2018-19 were:

John Watt – Parole Board Chair

Ian Bryce, Parole Board member, Vice Chair

George Connor – Parole Board member, Vice Chair

Colin Spivey – Chief Executive

Rona Sweeney – Parole Board member

Darren Myles-Wright – Parole Board member

Technology

The Board commenced the move to full electronic working which has resulted in a significant reduction in the cost of consumables.

The project to redesign and relaunch the Parole Board's website commenced March 2019 with an aim of raising the profile of the Board and the work it undertakes. The website will be launched in November 2019 and will include a dedicated section for victims and their families.

We continued to consider Tribunal cases by live link with the relevant prison rather than at the prison, unless fairness dictates otherwise. Four hundred and six (30%) Tribunals and oral hearings were conducted by live link this year.

The Board continues to consider improvements which can be made to our digital methods of working and, in the year ahead, we will commence a project to design and implement a new casework management system which reflects the needs of our service users.

Raising awareness

The Board continued to raise awareness of what we do and how we contribute to the wider Scottish justice context with other organisations through attendance at a number of meetings and events across the country throughout the year. This included several interactive seminars delivered to local authority social workers across the country. The Board are in the process of establishing a cohort of Board members who will be responsible for delivering outreach events across Scotland.

A conference was hosted in November 2018 to celebrate the Board's 50th anniversary and to examine the importance of risk assessment, transparency of process, the role of victims in the justice system and the independence of judiciary. Alongside an audience of key players who have helped shape and continue to support the work of the Board, the keynote speakers included:

- Humza Yousaf, Cabinet Secretary for Justice
- Lord Carloway, Lord President
- Karyn McCluskey, Community Justice Scotland
- Kate Wallace, Victim Support Scotland
- Pete White, Positive Prison
- John Watt, Parole Board for Scotland

The Board continue to consider how best we can support victims through the parole process which includes continuing to develop our approach to receiving oral representations based on experience and feedback from victims and Victim Support Scotland. This year, we conducted 18 victim interviews and sought opportunities to gather feedback to make improvements to this process. We continue to make progress 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](#).

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.

Transforming Parole in Consultation

The Board welcomed the Scottish Government's consultation 'Transforming Parole in Scotland' which was launched in December 2018. The consultation sought views on further reforms that the Scottish Government is considering making to our justice system to improve the experience of victims in the parole process, increase openness and transparency of the Parole Board for Scotland and ensure the independence of the Parole Board is maintained. The Board contributed to the consultation process and await the Scottish Government's analysis and response. This is likely to impact on the Board's priorities next year.

Management of Offenders Bill

The Board also welcomed and supports the parole provisions in the Management of Offenders Bill introduced in the Scottish Parliament in February 2019. The Bill aims to the parole reforms aim to simplify and modernise processes, and support consistency of approach in relation to parole matters and the Parole Board for Scotland.



Full Membership 2019

Board Membership

Parole Board members come from a variety of backgrounds and are appointed by Scottish Ministers through a rigorous selection process to ensure transparency, objectivity and fairness. Members come from a diverse range of professional backgrounds which includes psychologists, social workers and professionals from mental health services and the criminal justice system.

The Board is committed to continuous personal development and training its members to recognise and understand equality issues to ensure that there is no discrimination when considering offenders for parole. Once appointed, members receive extensive training and development to ensure they are appropriately equipped with the skills and knowledge to undertake their role effectively. Further information about our membership is available on our website scottishparoleboard.scot

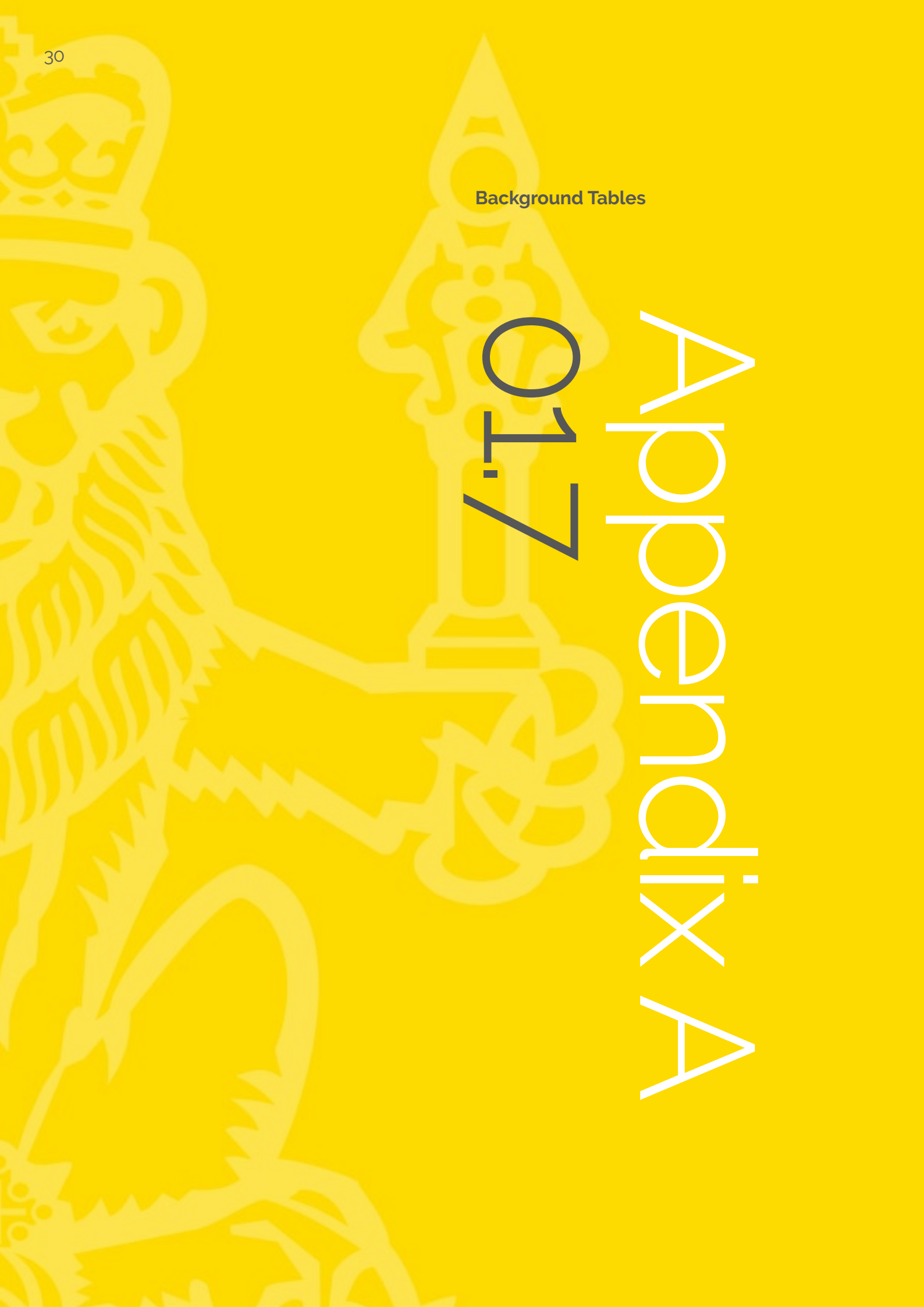
Gender Balance of Board

Member	Male 	Female 
Chair	1	-
General	8	13
Legal	7	8
Psychiatrist	-	1
Judicial	1	-
Total	17	22

Background Tables

Appendix A

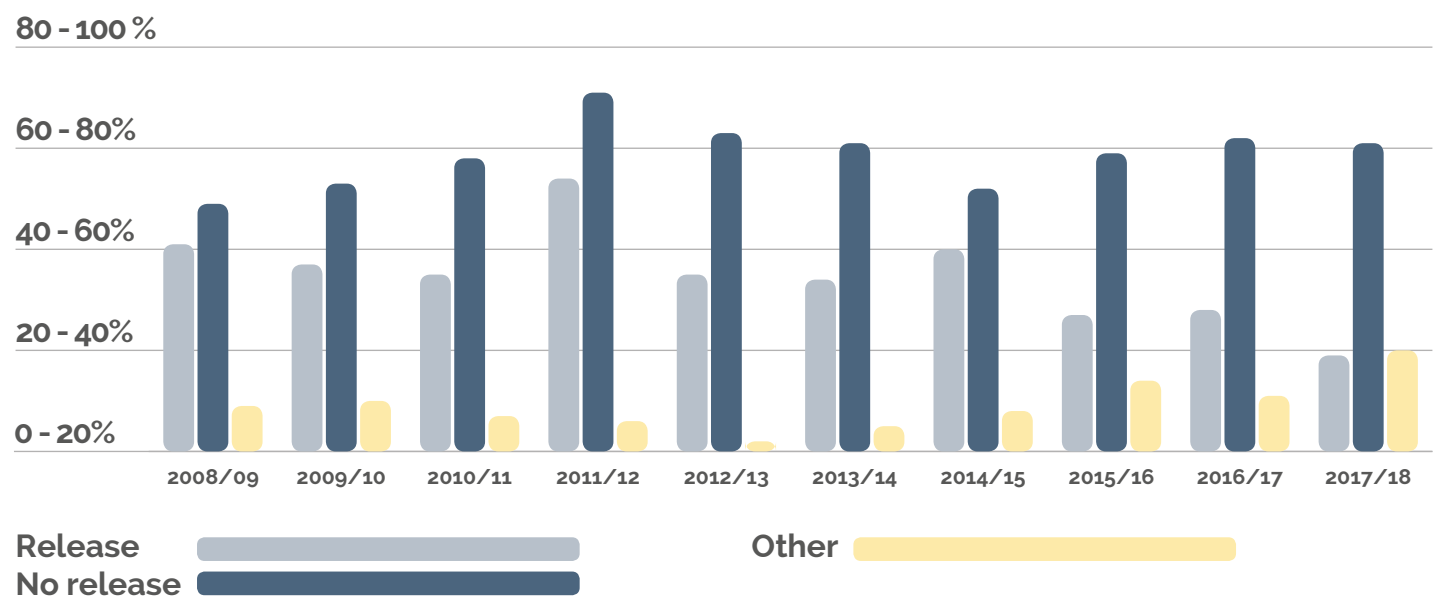
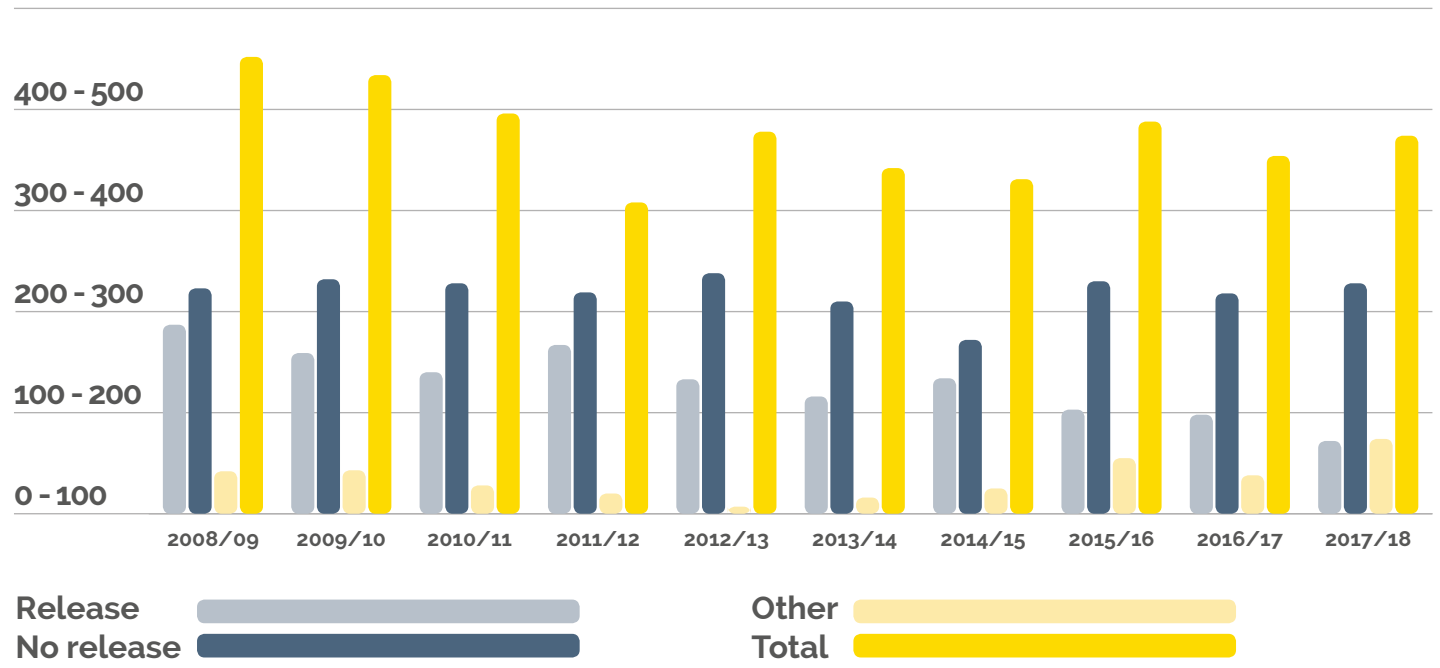
O.1.7



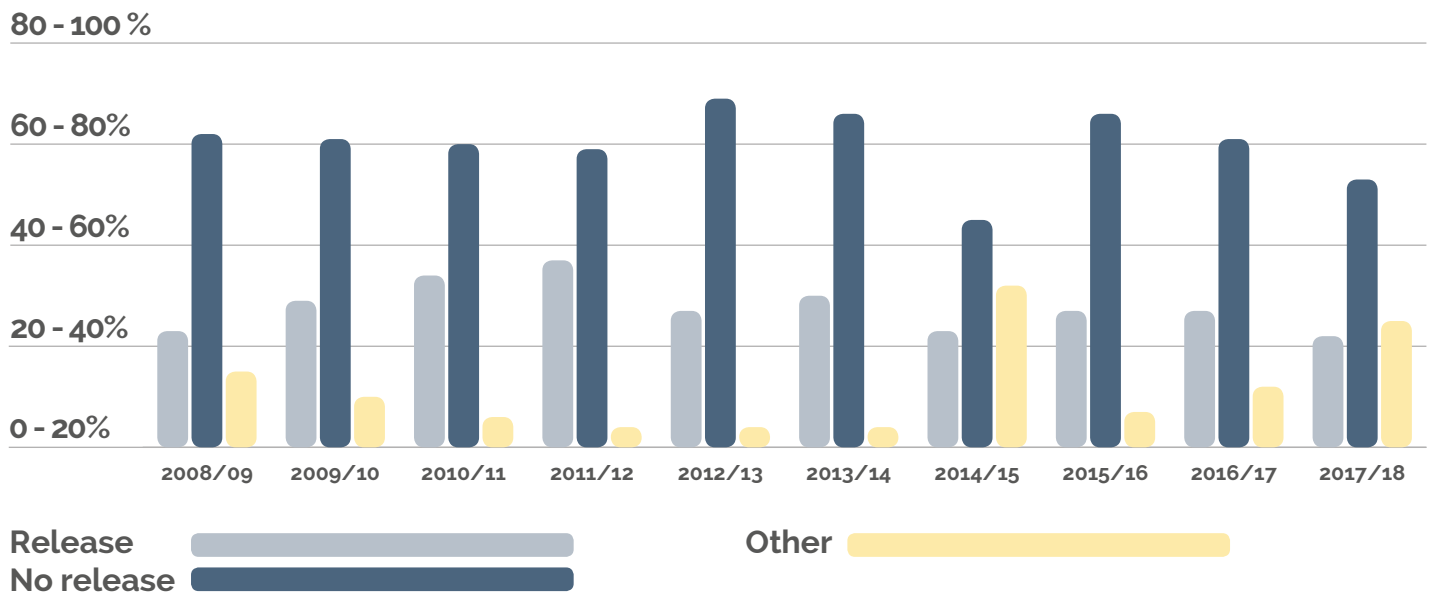
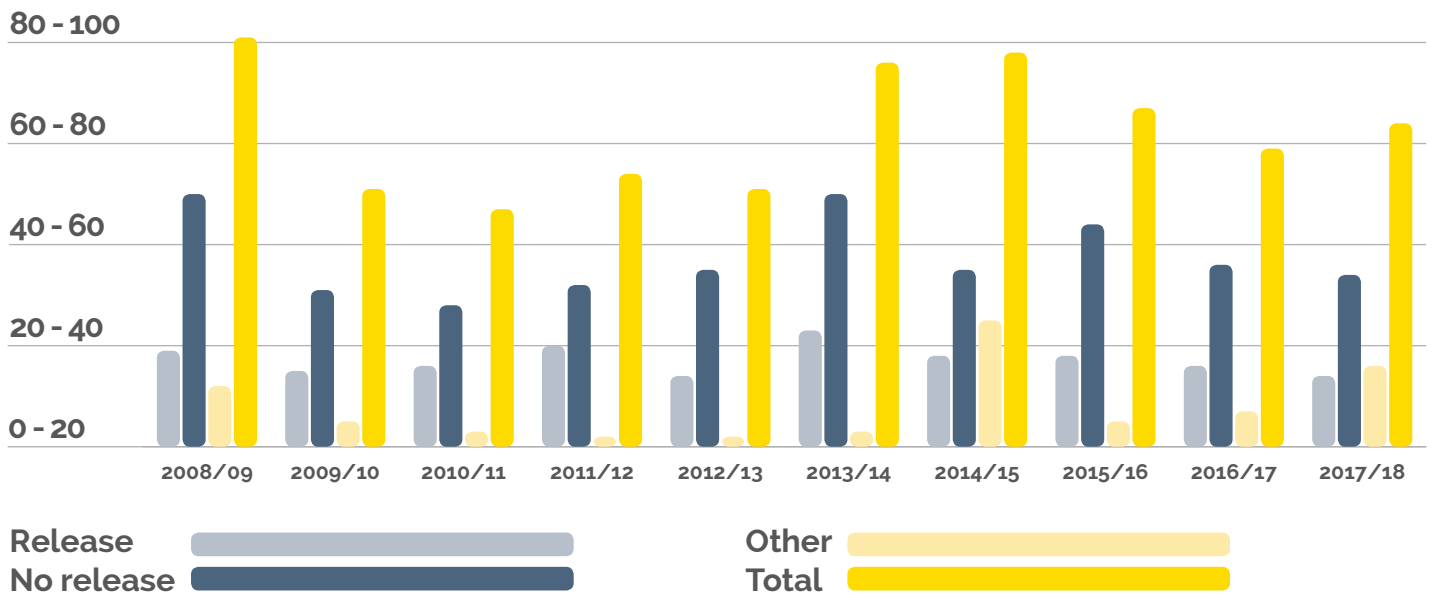
Year of Release	Time Spent in Custody by Persons First Released from Life Sentences									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
2016-17	0	0	0	1	0	1	3	10	1	16
2017-18	1	1	0	0	5	1	5	8	6	27
2018-19	0	0	0	0	1	2	5	2	20	30
Total	1	1	0	1	6	4	13	20	27	73¹

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

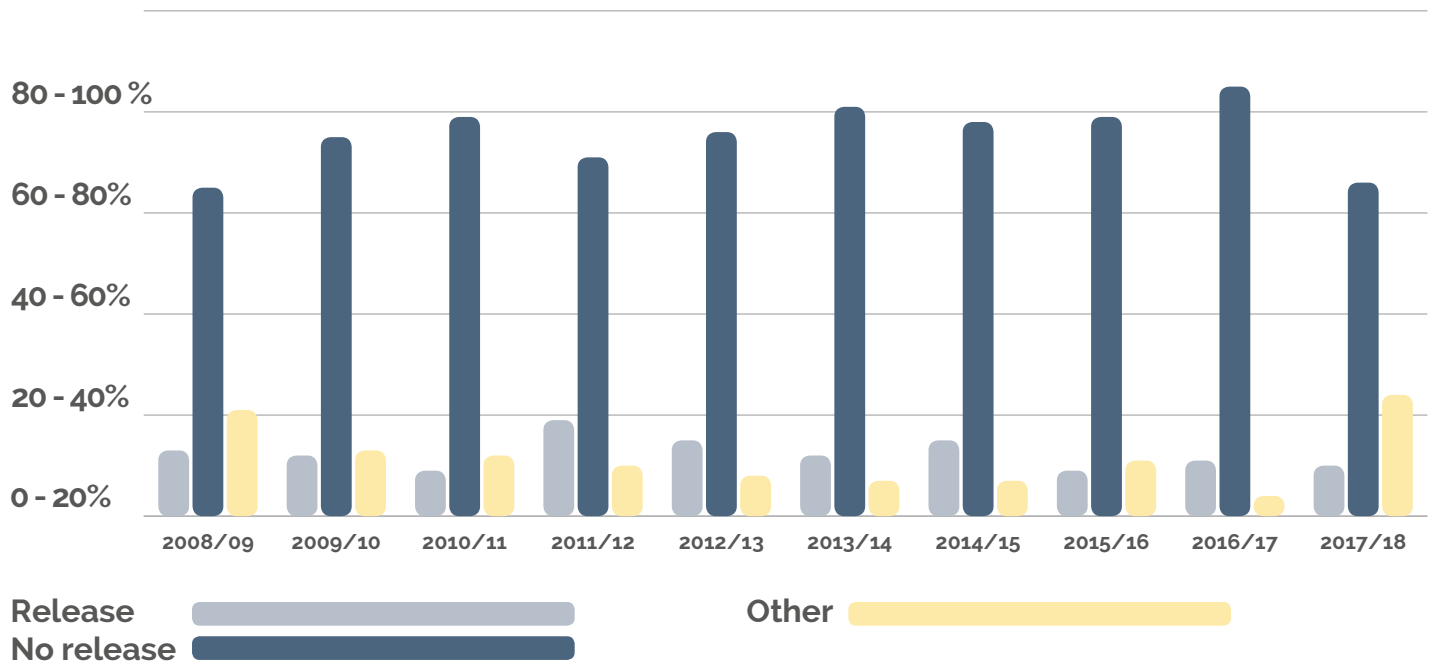
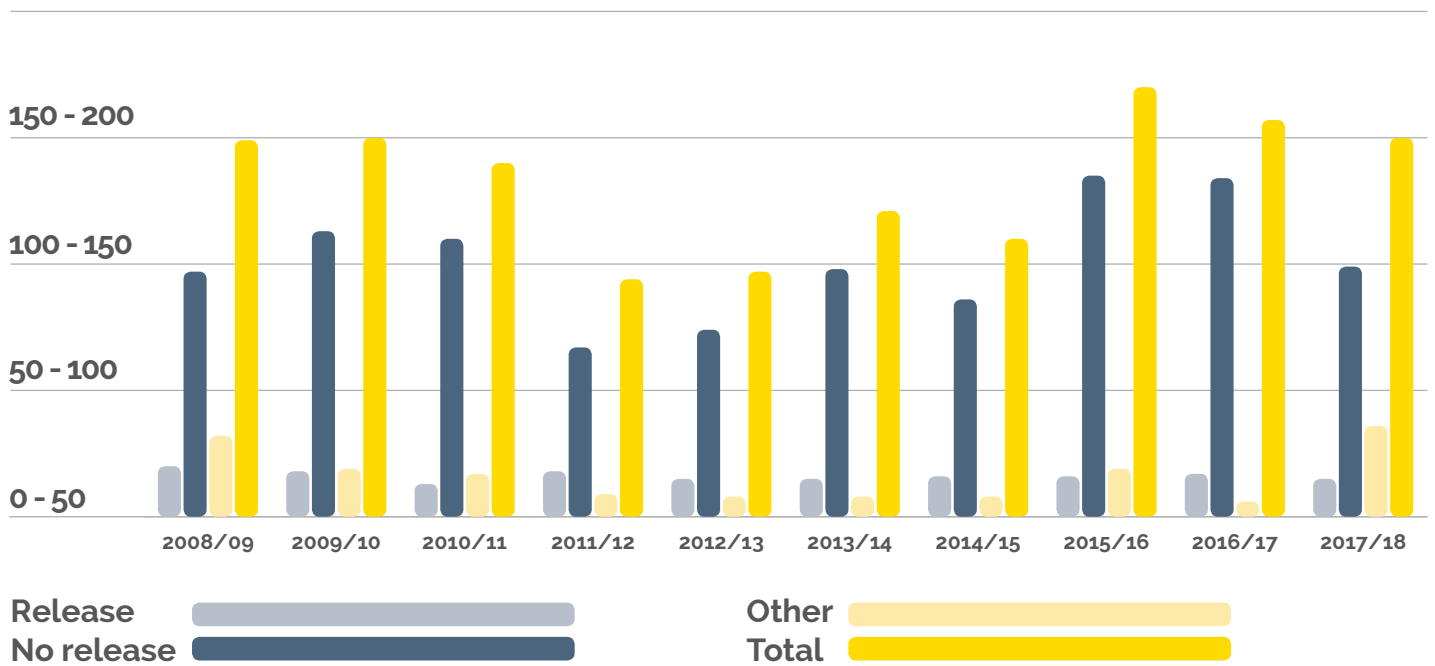
Determinate Sentence Prisoners - First review for Early release



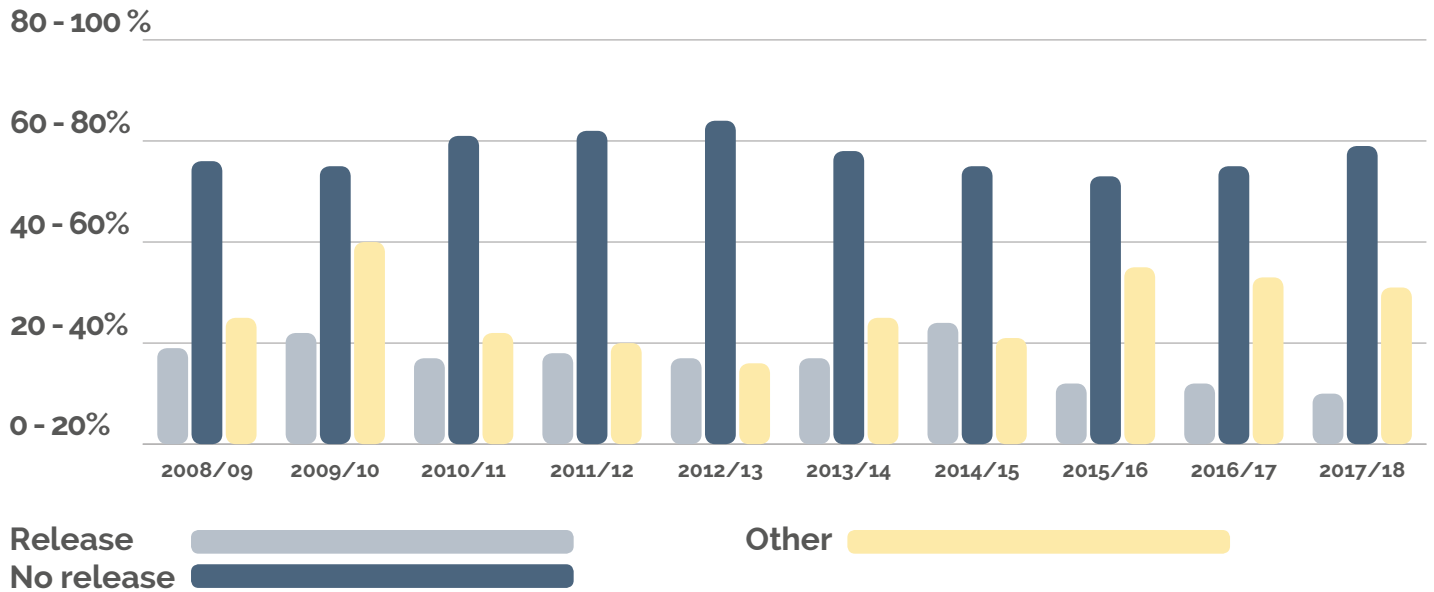
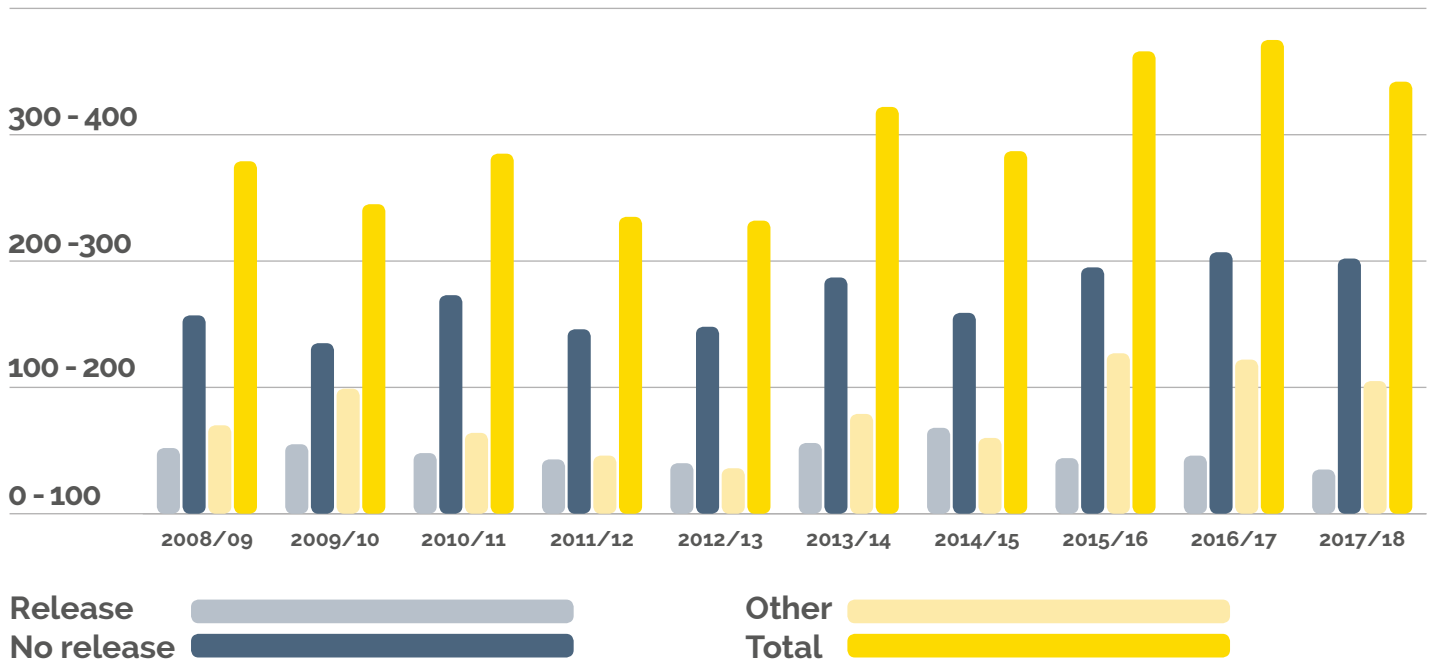
Determinate sentence prisoners - Second or subsequent review for early release



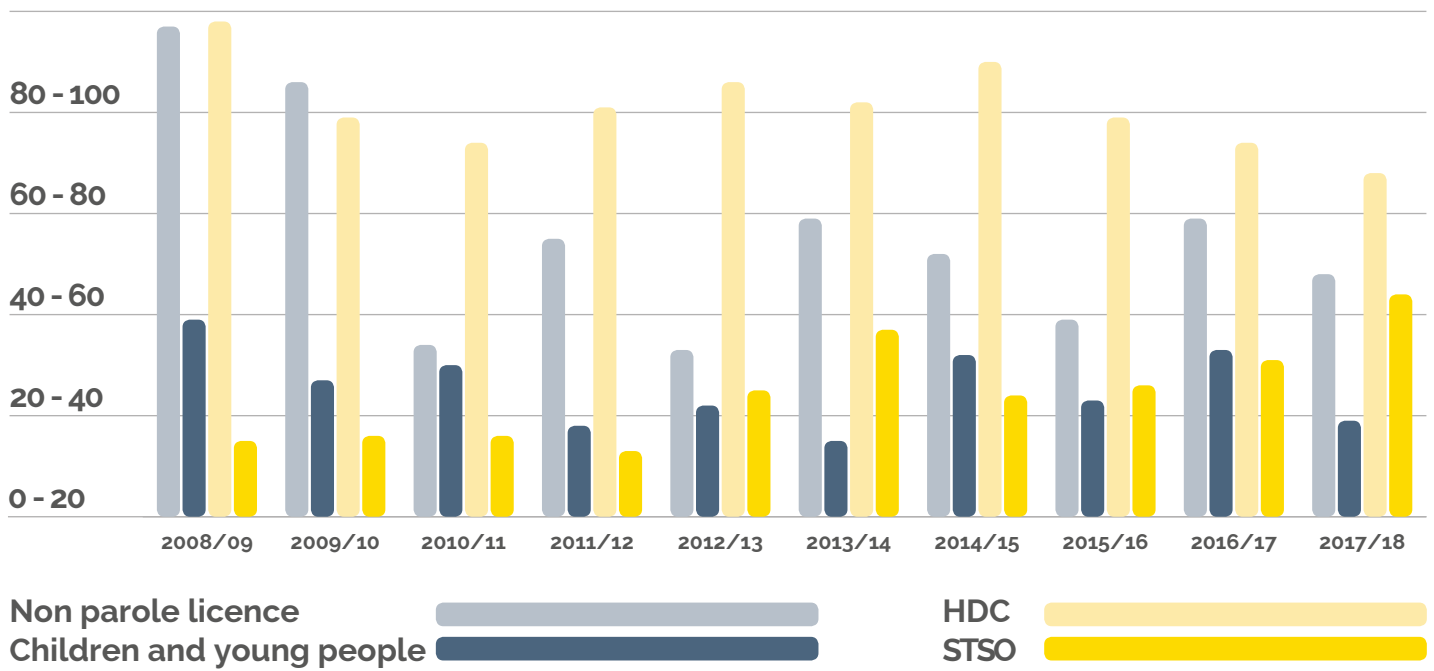
Extended Sentence Prisoners - Review for Early Release



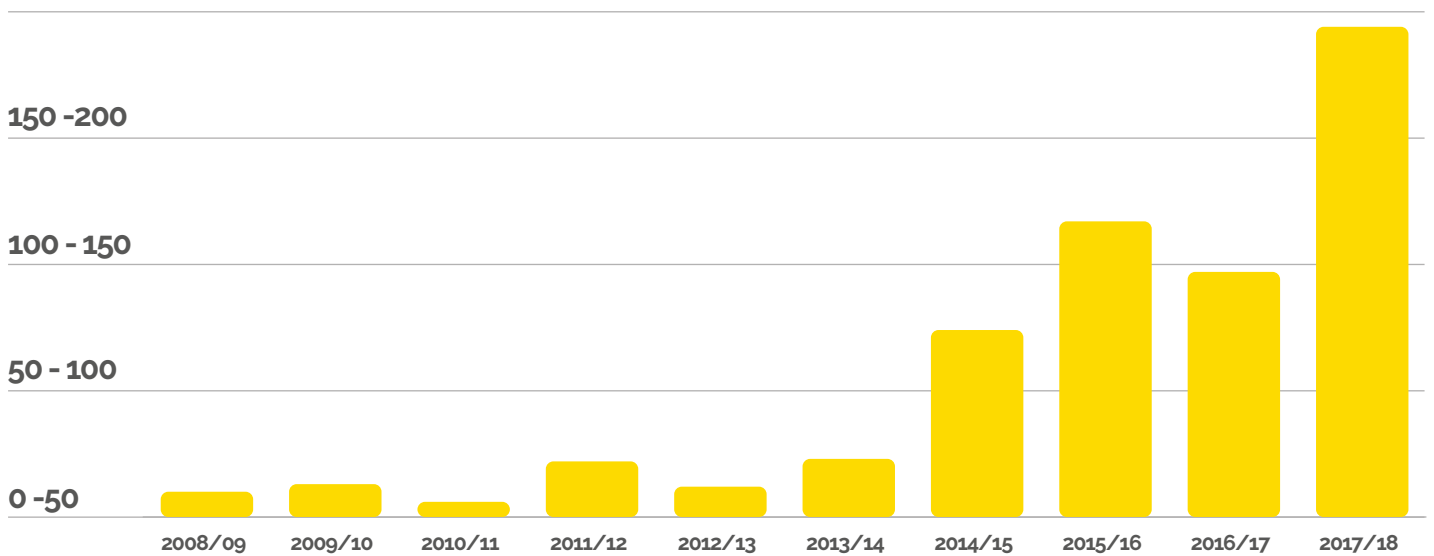
Life sentence Prisoners



Miscellaneous



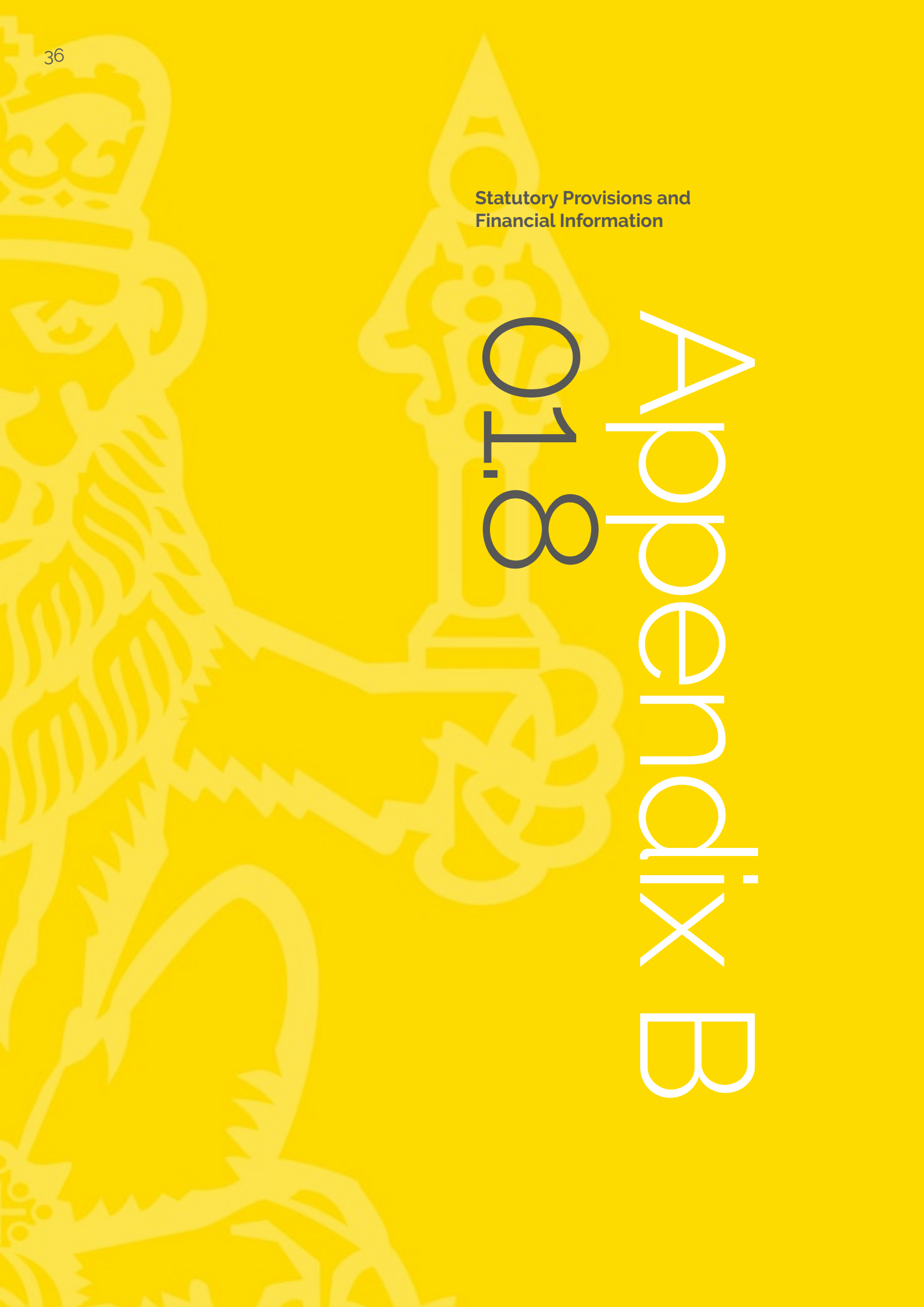
Oral Hearings



Statutory Provisions and
Financial Information

Appendix B

01.8



**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.
- 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.

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.

Performance of duties

21. 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

1. Under the provisions of 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 2018-19 were as follows:

	1/4/18 - 31/3/19
Chairman	£500
Legal Member	£324
Psychiatrist	£324
General Member	£209
Case Work Meeting Chair	£50

2. Members of the Board are also paid allowances for travelling and subsistence in accordance with prescribed scales.

3. The Board's expenditure during 2018-19 was £2,305,000 made up as follows:

Members Fees, Staff Salaries and Travel/Subsistence	£2,093,450
Legal Costs	£33,224
Other	£178,326
Total	£2,305,000

Cost Effectiveness

4. 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 2018-19 reveals that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2018-19 for life prisoners and extended sentence prisoners is £1000. The average cost of considering a case at a meeting of the Board is £190.

5. 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 effectiveness and efficiency in service delivery. The implementation of electronic working resulted in a significant reduction in consumables and courier volumes which continues to deliver efficiencies, both in terms of expenses and resources. We continue to optimise our processes and procedures to ensure we are maximising our resources and consider innovative approaches which will provide value for money whilst also delivering our corporate objectives. We continue to utilise digital technology to assist with the delivery of our objectives which includes the use of video link for Tribunal cases, unless fairness dictates otherwise.

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

t. 0131 244 8373
f. 0131 244 6974

www.scottishparoleboard.gov.uk