

Parole
Board
for
Scotland

Annual
Report
2019/20





2019/20

At a glance

Oral hearings

Oral hearings have risen by

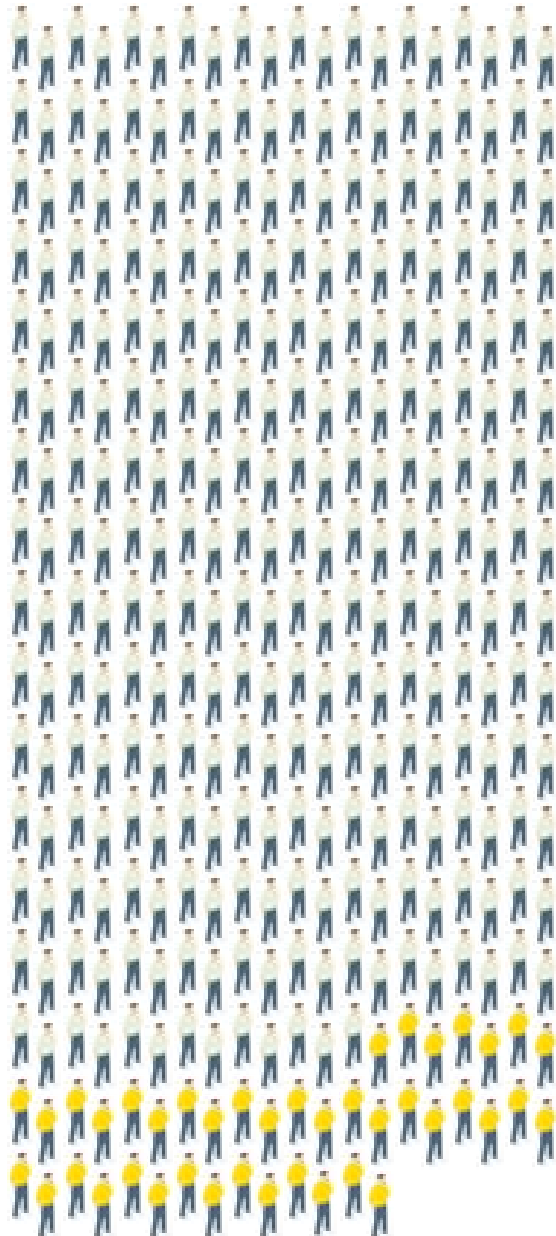
44%

from last year.



Life prisoner cases

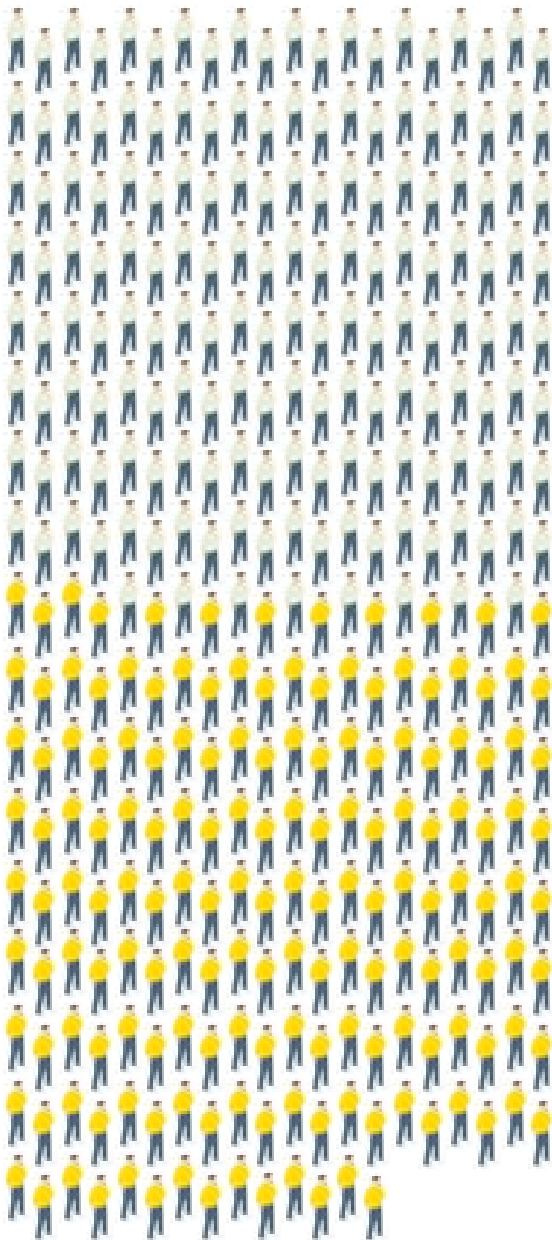
32



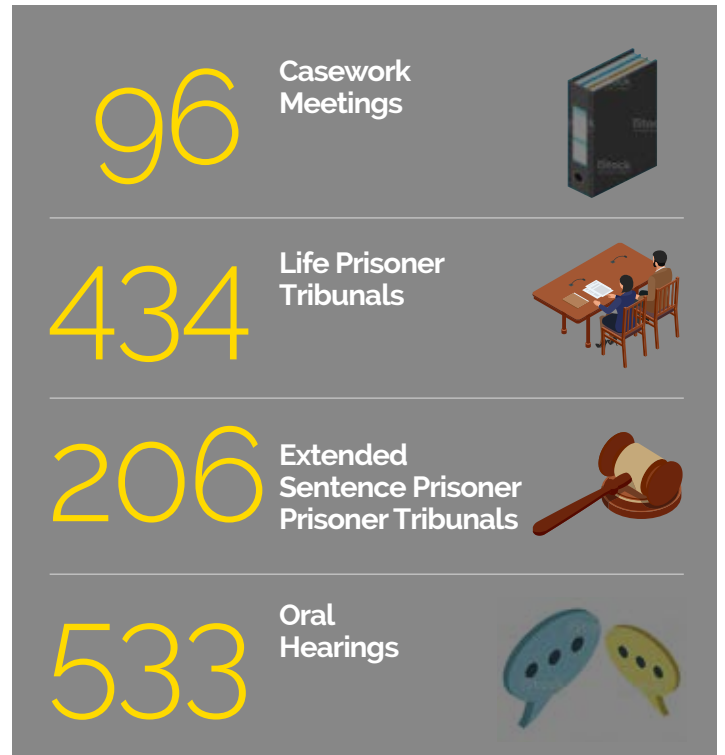
Of the 434 Life Prisoner cases considered, **32 were released.**

Life prisoner cases

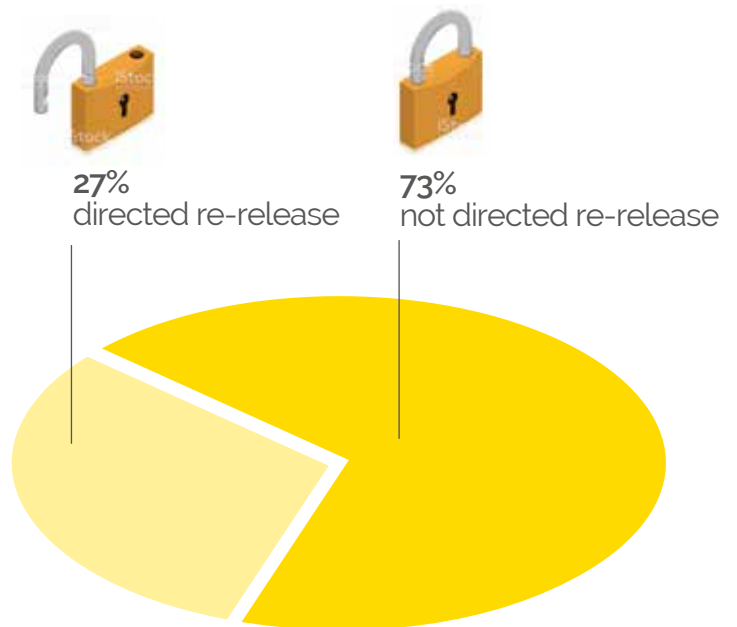
232 



Of the 434 Life Prisoner cases considered, **232 were not recommended for release.**



Recalled prisoners



73%

73% of prisoners recalled were **not directed re-release** from their Tribunal.

Presented to Parliament
under Schedule 2, paragraph 6
of the Prisoners and Criminal
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Parliament by the
Scottish Ministers.

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Chair's and Chief Executive's

Joint Foreword 01.1

Chair's and Chief Executive's Joint Foreword

We are pleased and privileged to be able to present this Annual Report on the work of the Parole Board for Scotland during 2019- 2020

The Parole Board for Scotland is an independent, judicial body and a court for the purposes of Article 5(4) of the European Convention on Human Rights. It is not a court in the conventional sense of a body which adjudicates between parties who are in dispute or of presiding over criminal trials nor is it part of the Scottish Courts and Tribunal Service. Its role is at least partly inquisitorial in nature and it can be seen as Scotland's Parole Court.

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 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 Board must balance the legitimate interests of the prisoner, community safety and the rights of third parties such as victims.

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 and disappointing increase in the number of postponed or adjourned Tribunals. The rate of increase may be slowing but numbers are too high.

There are many reasons for postponement and adjournment some of which are inevitable but some of which may be avoided. Those which could have been avoided are wasteful, 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.

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. It is also, perhaps, a function of the Board's growing confidence in asserting itself as a court for parole purposes and insisting on having the fullest and best evidence, from whatever source, in making fair and fully informed, release decisions.

Collecting such evidence is not something which the Board can do by itself it needs the involvement of the whole parole system.

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 consideration and it is of concern that the number of cases in which the Board has had to decide whether or not to revoke 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 inquisitorial function of the Board remains a significant factor in the consideration and disposal of parole cases.

There is no limit to the evidence which the Board can take into account subject only to questions of fairness and consideration of what weight to apply to the evidence. This means that where the Board is aware of evidence not covered in the dossier submitted to it by Scottish Ministers including, for example, unproved or outstanding charges or intelligence or other confidential information, it must take steps to investigate and satisfy itself as to the significance of the evidence when considering risk.

This may involve delay while agencies such as the Crown Office and Procurator Fiscal Service, Police Scotland, Scottish Courts and Tribunal Service, Scottish Prison Service or, perhaps, a local authority Criminal Justice Social Work department 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.

The Board does not have statutory powers to investigate at its own hand and is not likely to get such powers and, in any event, in doing so, even if it could, it would simply be duplicating effort already expended by other parts of the criminal justice system and potentially re-traumatising witnesses who will already have provided information and evidence.

The Board depends on other parts of the criminal justice system to provide it with evidence and has powers to require the provision of evidence.

Ensuring that the Board has full information where that is not already available in the dossier cannot be the responsibility of the Board alone but needs to be addressed by the whole parole system.

An example may serve to best illustrate the point.

A prisoner who has been released on licence is arrested by the police and charged with an assault to injury. In due course the prisoner appears on petition then on indictment.

After trial he is acquitted on a not proven verdict. He has lodged a special defence of alibi and led evidence in support.

For this prisoner, alcohol misuse is a serious risk factor as are drug misuse, negative peer association and failure to comply with licence conditions.

The alibi asserts that the prisoner was at an address at the relevant time in the company of others at a party. The evidence suggested that drink and drugs were consumed by the prisoner and the party was attended by known criminal associates of the prisoner. The address at which the party was held was in an area from which the prisoner was excluded by licence conditions and he attended in the company of a woman who licence conditions prevented him from being with.

The alibi therefore may well have been a factor in the acquittal but when explored from a risk assessment angle could result in a tribunal declining to direct the release of the prisoner on the basis that the evidence relevant to the alibi demonstrates that he is not an acceptable risk in the community.

The only way in which the Board can understand the nature of the behaviour which led to the charges, the circumstances in which the behaviour took place and the significance for risk is to be provided, by the Crown Office and Procurator Fiscal Service, or Police Scotland, with the statements and possibly a summary of the evidence along with some understanding of the alibi and the trial proceedings.

The Board (unlike the prisoner who will have had the material disclosed to him as part of the process leading up to the trial) does not know what the statements contain (although the prisoner will) so cannot be specific as to what it might need. It will only know after considering the material.

As will be seen from the example, unproved charges may not be the end of the story for the Board but may only be a beginning.

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 having obtained all necessary evidence.

We 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.

The Board is at the end of a chain which gathers evidence to inform the parole decision and often has to obtain additional necessary information and evidence. It will continue to work hard with Scottish Ministers representatives and all other parts of the parole system to maintain an effective flow of information and evidence.

Gathering all necessary evidence to make a fair decision can be a challenge for the Board and not one which it can meet alone. The challenge needs to be met by the whole parole system.

Over the course of the year the Board has continued to recognise the impact of the parole process on victims and endeavoured to engage with victims positively and sensitively. Our standards are monitored and reviewed annually.



John Watt
Chair, Parole Board for Scotland

They are available on our website. In addition to conducting statutory victim interviews, members of the Board have met with victims on request on a number of occasions to explain the parole process and to answer questions. This year, for the first time, in two cases the Board approved the attendance of victims as observers at parole Tribunals. The lessons we have learned from this were valuable, including the considerable support required for victims before, during and after attendance. Our experience in this respect will help us to develop trauma informed processes if, as we anticipate, attendance becomes more commonplace.

The final part of this reporting year has seen the emergence of the Covid 19 pandemic. The Board has reacted quickly and effectively to the immediate challenges and has put in place remote working arrangements which will allow us to continue to fulfil our statutory duties. Whilst it is at present unclear how long the pandemic will continue, or whether there will be any further impact on our work, we will continue to respond with agility and professionalism to ensure that we do all that we can to minimise disruption and delay within the parole system.

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

Finally, we would also like to express our particular thanks to Sukhwinder Gill whose appointment to the Board came to an end during this reporting period.



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 Tribunals 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 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.

About the Parole Board

OT3



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 a 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 who 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 who 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

01.4



The tables below provide statistical details of the various cases considered by the Board during the period 1 April 2019 – 31 March 2020. Comparable historical data is contained in Appendix A.

Determinate Sentence Prisoners – 1st review for early release

Number recommended for parole by the Board including parole from a forward date	90
Number not recommended by the Board	230
Number of cases deferred for further information	56
Number of cases recommended for Oral Hearing	90
Total	466

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

Number recommended for parole by the Board including parole from a forward date	40
Number not recommended by the Board	151
Number of cases deferred for further information	28
Number of cases recommended for Oral Hearing	56
Total	275

Determinate Sentence Prisoners – review for early release following recall

Number recommended for parole by the Board	15
Number not recommended by the Board	69
Number of cases deferred for further information	7
Number of cases recommended for Oral Hearing	16
Total	107

Determinate Sentence Prisoners – other considerations

Request to transfer supervision authority	7
Total	7

Determinate Sentence Prisoners – adverse development

Recommendation for early release on parole withdrawn	2
Recommendation for early release on parole upheld	2
Number of cases deferred for further information	1
Total	5

Extended Sentence Prisoners – review for early release

Number recommended for parole by the Board including parole from a forward date	6
Number not recommended by the Board	173
Referral for licence conditions only	39
Number of cases deferred for further information	29
Number of cases recommended for Oral Hearing	49
Total	296

Life Prisoner Cases

Total number referred to the Board for consideration including those brought forward from 2019/2020	434
Number where release directed	32
Number not recommended for release	232
Number of cases postponed or adjourned	165
Withdrawn	5
Total	434

Order for Lifelong Restrictions Prisoners (OLRs)

Number referred to the Board for consideration	91
Total	91

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

Total number referred to the Board for consideration	362
Number where release directed	35
Number not recommended for release	192
Number of cases postponed or adjourned	121
Withdrawn	9
Number of cases recommended for Oral Hearing	5
Total	362

Life Prisoners – other considerations received

Request to terminate supervision	18
Request for an earlier hearing by a Life Prisoner Tribunal	4
Amendment to life licence conditions	12
Total	34

Miscellaneous - other considerations received

"Non-Parole" Licences	97
Children and Young People	17
Home Detention Curfew (HDC) licence	2
Short term sex offenders	73
Compassionate Release	0

Summary of Determinate Sentence Cases Where Release Recommended – by Offence

	Violence	Drugs	Sexual	Property	Other	Total
10 years or over	7	1	1	0	0	9
Under 10 years	44	37	16	2	22	121
Total	51	38	17	2	22	130

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 decrease in the proportion of prisoners who have opted out of the process. In addition, 30 extended sentence prisoner self-rejected from having a further review, at a Tribunal, following recall.

Year	2017-18	2018-19	2019-20
Eligible	501	516	848
Opting Out	33	44	35
%	7	9	4

Extended Sentence Prisoner recall

Cases considered where licensees behaviour was a cause for concern	132
Recalled to custody	98
Warning Letters	31
No Action	2
Deferred	1
Withdrawn	0

Grounds for recall – Parole Licensees

Reported for possible grounds for recall	47
Recalled to custody	35
Warning Letter	12
Re-Released	5
Not Released	30

Grounds for recall – Non Parole Licensees

Cases considered for those released on non-parole licence	111
Recalled to custody	78
Warning Letter	13
No Action	2
Re-released	1
Withdrawn	7

* 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 - consideration for immediate re-release

Number of Immediate re-release Tribunals	65
Number of cases that directed re-release	16
Number of cases not re-released	45
Number of licenses revoked by Scottish Ministers	4
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	199
Re-release on licence	21
Not Re-release	148
Self-rejected from further Tribunal	30

Life Sentence Prisoners recall

Cases considered where licensees allegedly breached their licence conditions or behaviour was of concern in the community	76
Recalled to custody	41
Released	11
Not Re-released	22
Withdrawn	1
Warning Letter	22
Deferred	12
Cases outstanding	7
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	47
Re-released on licence	13
Not Re-released	34

HDC licence Breach

Cases considered of those on HDC returned to custody	1
Grounds for appeal upheld	1
Appeal refused	0
No Action	0
Deferred	0

STSO Determinate sentences recall

Cases referred from Scottish Ministers where licensees have given cause for concern	72
Recalled	50
Warning Letter	19
Deferred	3

STSO Determinate sentences - consideration for immediate re-release

Released	4
Not Re-released	38
Withdrawn	3

“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 2019-20, the Board recommended that conditions be attached to the licences of 85 prisoners who were not released on parole.

A further 97 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 2019-20, Scottish Ministers referred 7 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 2019-20, Scottish Ministers referred 91 Orders for Lifelong Restriction to the Board for consideration by Tribunal. Of those 91 considered, 5 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 2019-20, there was one children and young person case sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 referred to the Board.

The case involved a child or young person who was due to be released on licence and whose case was referred in order that the Board might consider the conditions to be attached to their release licence.

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 2019-20 the Board held 533 oral hearings which included prisoners who were considered more than once.

Progress Report

015



Decision-making

The Board's decision-making process is rigorous, fair, defensible and independent. The Board makes fully informed decisions based on all of the evidence available. Each case is subject to the statutory test for release with public safety central to every decision made. In comparison to the previous year, the number of cases considered by the Board increased by 6% in 2019-20. This included a record number of Tribunals and Oral Hearings.

We are committed to ensuring that the Board's decision-making is of the highest quality and believe that this requires an effective feedback mechanism for our members. The Board's Peer Review scheme was launched in November 2019. Its purpose is to support professional development and continually raise the standard of work delivered by Parole Board members through the constructive examination and feedback of performance by their peers.

The Board continues to be committed to strengthening the openness and transparency of decision-making and plans to publish the Parole Board members' guidance in 2020-21.

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, objectivity and fairness. No new appointments were made during the financial year but the Board made effective and innovative use of its resources by assigning a number of members to projects based on their extensive experience and skill sets.

The Board continued to focus on professional development of its members this year. Two training events were organised for members covering a broad range of topics which included Mental Health and Risk Assessment. A comprehensive training plan is being developed following the completion of a training needs analysis of all members to ensure training activities selected reflect developmental needs.

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. We are committed to working in collaboration with staff on the decisions and issues that affect them and established a number of working groups during the year to enable staff to influence and manage change.

The Board supports the aims of the Scottish Government Breastfeeding Friendly Scotland Scheme and signed up as an organisation this year.

Working arrangements

The Parole Board Management Group (PBMG) met 6 times in 2019-20 to discuss the Board's operational performance and oversaw the implementation of the Board's business plan.

PBMG members during 2019-20 were:

John Watt – Parole Board Chair
 Ian Bryce – Parole Board member, Vice Chair
 George Connor – Parole Board member, Vice Chair
 Jill Malloy – Parole Board member
 Rona Sweeney – Parole Board member
 Colin Spivey – Chief Executive
 Yasmin Ali – Deputy Chief Executive

A review of the Board's risk management was undertaken during the year which resulted in the introduction of a more robust risk mechanism and a full revision of the corporate risk register. The following corporate risks were actively managed during the course of the year:

- Casework Management System
- Records management
- Budget constraints
- Corporate governance
- COVID-19

PBMG review the Board's corporate risk register quarterly and the Senior Management Team, with support from an established internal Risk Management Team, review the operational and corporate risks on a monthly basis.

The Management of Offenders (Scotland) Act 2019 received royal assent in July 2019. The Act contains a number of parole related provisions, the first of which, allowing for a member to be automatically re-appointed for a subsequent period should they meet certain conditions, commenced on 31 December 2019. The remaining parole related provisions of Parts 3 and 4 of the Act, which include changes to the term of appointment of Parole Board members, and a number of administrative and operational changes, are expected to commence in the third quarter of 2020-21.

Despite the challenges encountered as a result of the pandemic, 2019-20 has been a year of significant achievements for the Board. This includes the successful delivery of a number of significant projects. To enable the extent of the Board's work to be effectively monitored and managed, we developed a project management framework which defines the execution of each project.

During the final quarter of the financial year, the Board had to establish a Business Continuity Planning Group and invoke its business continuity plan to manage and mitigate the impact of COVID-19 pandemic. Decisions had to be made promptly and decisively to allow a new operating model to be identified. This enabled the Board to maintain delivery of its statutory duties whilst ensuring the health and wellbeing of our staff and members and all others involved in the parole system. The Board had to ensure that staff and members were equipped to work from home and identify a mechanism to enable parole hearings to continue to be conducted with alignment to government and health guidance. These significant changes were delivered at pace and would not have been possible without the commitment and extraordinary efforts demonstrated by staff and members.

Technology

During the year, the Board implemented the move to full electronic working which has resulted in a significant reduction in the cost of consumables and supported the Board's introduction of a new operating model in response to the COVID-19 pandemic.

The Board's new and improved website was launched in November 2019 following the completion of a re-design project. The website now contains a dedicated section for victims and their families and will continue to be updated to reflect user feedback and changes to processes and procedures.

In conjunction with the Scottish Prison Service, the Board submitted a successful bid to the Scottish Government for funding to develop a Victim Notification Scheme Information Portal. Whilst the project has not yet concluded, the

Board has identified a number of additional opportunities for improvements which will be considered as part of the work underway to implement the changes required as a result of the Scottish Government Transforming Parole in Scotland consultation.

Prior to the pandemic, a large proportion of Tribunals were conducted face-to-face. However, as the financial year drew to a close, all face-to-face hearings had to be paused to minimise the spread of the virus and ensure the health and wellbeing of all parties. Whilst video conference was not a new concept for the Board, the previous arrangements relied on the physical infrastructure and equipment available in the office occupied by Parole Scotland. The Board therefore had to take immediate action to identify a technical solution which would enable hearings to be conducted remotely to safeguard the health of all participants. As a result of acting promptly and in partnership with the Scottish Prison Service, the Board was able to introduce a model which enabled hearings to proceed remotely by teleconference. This has minimised the impact on prisoners and victims and has enabled hearings to proceed in the interests of fairness and justice. The Board is currently exploring technological opportunities to expand the current model to include remote video conference options.

The Board's COVID-19 recovery plan will be a key priority for the 2020-21 year.

Raising awareness

The Board continued to raise awareness of what we do and how we contribute to the wider Scottish justice context with partners and the public through attendance at a number of meetings and events across the country throughout the year. The Board welcomed the increase in requests from organisations to present at external events. During the year, a number of events were attended which included a series of sessions delivered to Local Authority Social Work teams, presentations to professional staff with Scottish Prison Service establishments and criminal law and public sector conferences. Recognising the importance of continuing to strengthen the Board's profile, the delivery method and format of the outreach sessions were redesigned to enable these to continue to be delivered despite the challenges encountered as a result of COVID-19.

The Board recognises the important role legal professionals have in ensuring prisoners are supported during the parole process and therefore established a Solicitor User Group during the year with an aim of providing a platform to share key information and discuss any operational issues identified.

This year, we conducted 27 victim interviews and continued to develop our approach to receiving oral representations based on experience and feedback from victims and victim support organisations. During the last quarter of the year, as a result of COVID-19, we had to identify a new mechanism to enable the Board to continue to conduct victim interviews safely. This required robust risk assessments and exploration of digital opportunities. This work will continue in the coming year.

We continue to be committed to improving the support and guidance available to victims and have established an internal working group to identify and deliver improvements which will be implemented in the next financial year based on feedback from victims and victim support organisations.

The Board is committed to helping victims feel supported and informed at every stage of the parole process and therefore we welcomed the outcome of the Scottish Government Transforming Parole in Scotland consultation. Having delivered an important milestone this year of having a victim in attendance at a parole hearing for the first time, we recognise how much of a difference these changes will make to victims. Having had the experience, we have identified areas for improvements which will require additional resources to enable victim attendance to be managed safely and in the interests of fairness. It is paramount that the wellbeing and rights of all parties is safeguarded.

The Board recognises there is more to be done and we look forward to working with the Scottish Government and victim organisations in 2020-21 to further develop and improve the experience of victims in the parole process.

The Board launched a Twitter account this year which has provided a platform to enable the Board to publish regular data about its performance in real time and a means for sharing key information. The Board also made improvements to the data tools which has enabled real-time data to be published timeously.



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	7
Psychiatrist	-	1
Judicial	1	-
Total	17	21

Case Studies

017



Case studies – significant cases

In line with the recommendations in the Scottish Government's consultation report following the Transforming Parole in Scotland consultation, this year's annual report contains some case studies of significant cases considered by the Board over the reporting year. Whilst each case the Board considers is complex these cases provide examples of some of the issues considered by the Board over the course of the year.

Victim Attendance Case Study

A request was submitted by a victim to attend the parole hearing of an offender who had been convicted of murder and was serving a life sentence. The offender had served the punishment part of their sentence and was due to be considered by the Board for release on parole licence at their first review.

Rule 26 of the Parole Board (Scotland) Rules 2001 permits a Tribunal to authorise any person to attend a hearing for such terms and conditions as it considers to be appropriate.

In reaching a decision, the Chair of the Tribunal carefully considered the request on the basis of fairness of proceedings and had regard to the following:

- If the presence of the victim would inhibit others from being entirely candid and providing the full information to the Tribunal
- Any representations received from the offender regarding the victim's request
- The risks associated with the victim attending in person and if these could be safely mitigated, managed and/or prevented
- The practical arrangements for the parole hearing which included the room configuration and support available to the offender
- What additional emotional/practical support the victim may have required to feel supported during the process.

The Chair approved the attendance of the victim subject to the victim being provided with ample support in advance of the hearing. This included a visit to the prison at which the hearing would be conducted, a meeting with a representative from the Scottish Prison Service (SPS) to discuss their role in the management of offenders, and a meeting with representatives from the Parole Board to discuss the parole process and practical arrangements of the parole hearing. The victim was permitted to attend as a silent observer only and had no role in the proceedings nor were they granted access to any documents contained in the dossier considered by the Tribunal.

Parole Scotland worked closely with the SPS and a victim support organisation during the entire process to ensure fairness in proceedings and to safeguard all parties involved.

Before it could direct release, the Board had to be satisfied that it was no longer necessary for the protection of public that the offender remained confined. The Board was not satisfied on this matter and did not direct release. The Tribunal had taken the view that the offender needed to be tested in open conditions to enable the Board to be provided with evidence that they were an acceptable risk in the community. A shorter review period was set for the case to be referred to the Board for a further review 10 months from the date of consideration.

A written summary minute of the decision was provided to the victim under Rule 9 of the Parole Board Rules. The minute was a succinct explanation of how the Tribunal had reached its decision, based on the facts of the particular case.

Extended Sentence Prisoner Tribunal Case Study

The offender had been convicted of assault to severe injury, permanent disfigurement and danger of life, and had received an extended sentence of imprisonment. He had a history of violent offending, including the use of weapons. It appeared that there was a link between his offending and his mental health. After a period in prison his mental health deteriorated and he was transferred under a Transfer for Treatment Directive to a medium security NHS facility. The Board convened a Tribunal at the facility. The offender did not wish to attend the Tribunal, but had instructed a solicitor, who advised that he was not seeking his release. The Tribunal took evidence from the community-based social workers and responsible medical officer, and there was then a round table discussion on whether steps could be taken under the Mental Health (Care and Treatment) (Scotland) Act 2003 to ensure that the patient was compliant with medication and treatment for his mental health disorder, on the basis that that would be likely to significantly reduce his risk to the public. The Tribunal did not direct release at this point, but fixed a short review period, and professionals undertook to investigate whether measures to enforce compliance with treatment were possible.

Determinate Sentence Prisoner Case Study

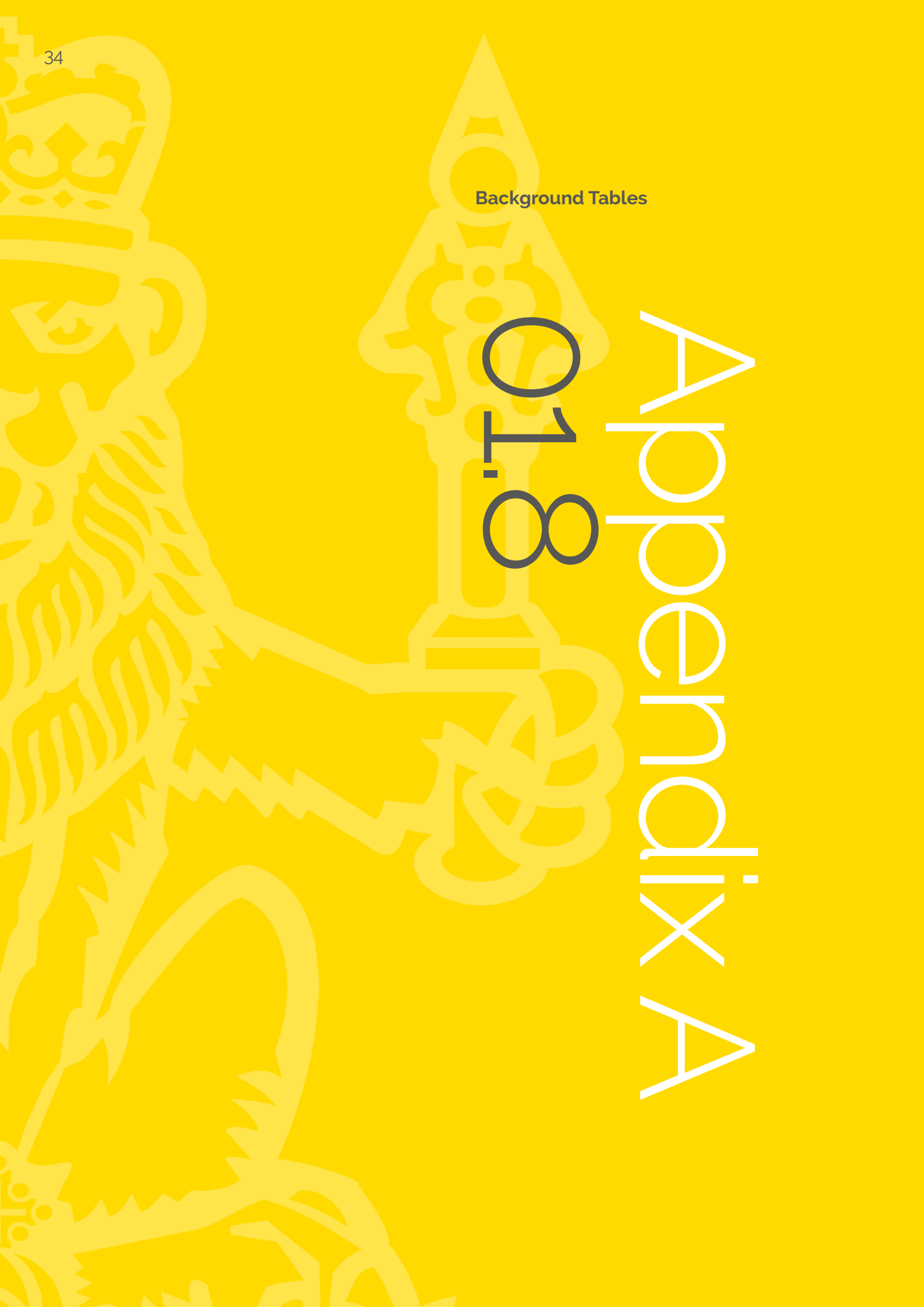
"The prisoner was a EU national, who had been convicted of Rape, contrary to the Sexual Offences (Scotland) Act 2009, and sentenced to 6 years' imprisonment. He had no other convictions. The case was referred to the Board to provide a recommendation on release at the parole qualifying date and, if release was recommended, to recommend licence conditions. The case was initially considered at a case work meeting, which decided that an oral hearing was necessary. The Board took evidence from the prison-based and community-based social workers at the oral hearing. It was advised that the prisoner would be deported to his country of origin if released. There was no mechanism for his licence to be supervised in his country of origin, but he would be subject to registration requirements under that country's sex offender registration scheme. The prisoner had undertaken work in prison around his attitudes to females and consent and those conducting the work were of the view that he had sufficient internal supports to manage his risk, and recommended his release. The prisoner had not incurred any misconduct reports during his sentence.

The Board also took evidence from the prisoner, which covered his index offence, protective and risk factors, and his personal circumstances if he was released. It also ascertained that he understood the registration requirements which would apply if he was deported. The prisoner had a supportive and pro-social family and was assessed as presenting a low level of risk. Having regard to all of the evidence, the Board concluded that the prisoner had sufficient insight into the circumstances of his index offence to allow him to manage his risk in his country of origin. The Board fixed licence conditions which would apply for the duration of his sentence if he was in the UK for any reason, including a condition requiring him to report to his UK supervising officer within 24 hours of entering the UK."

Background Tables

Appendix A

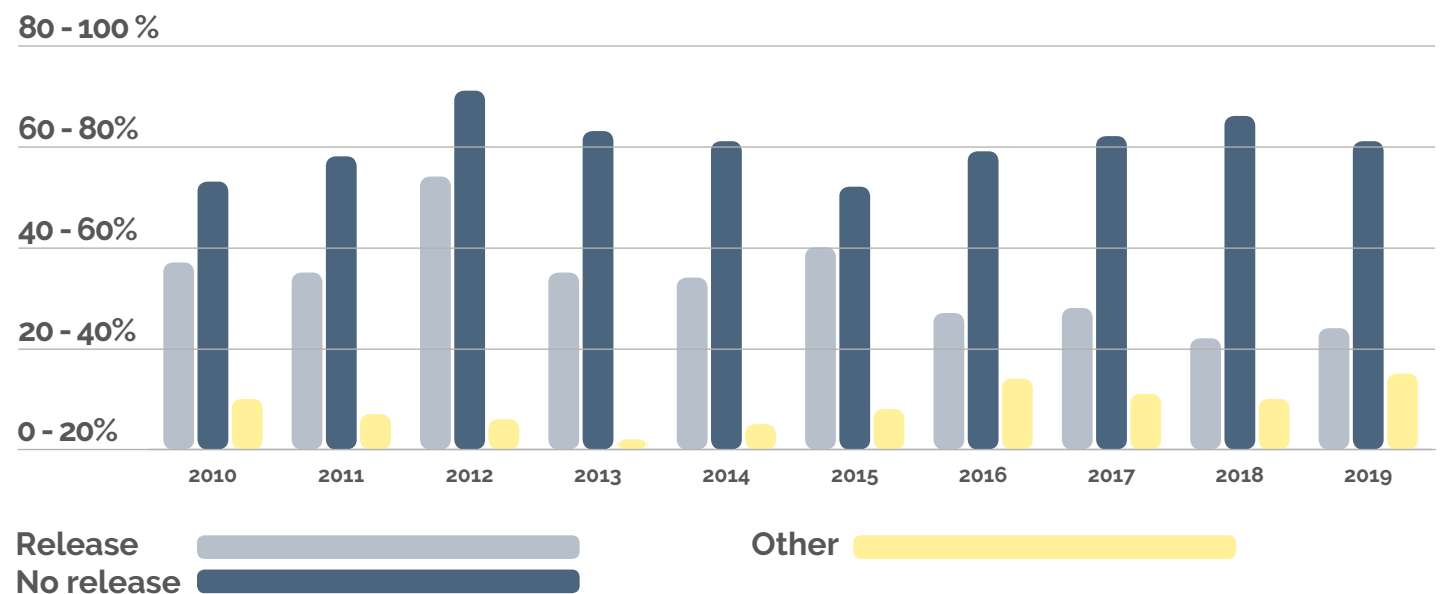
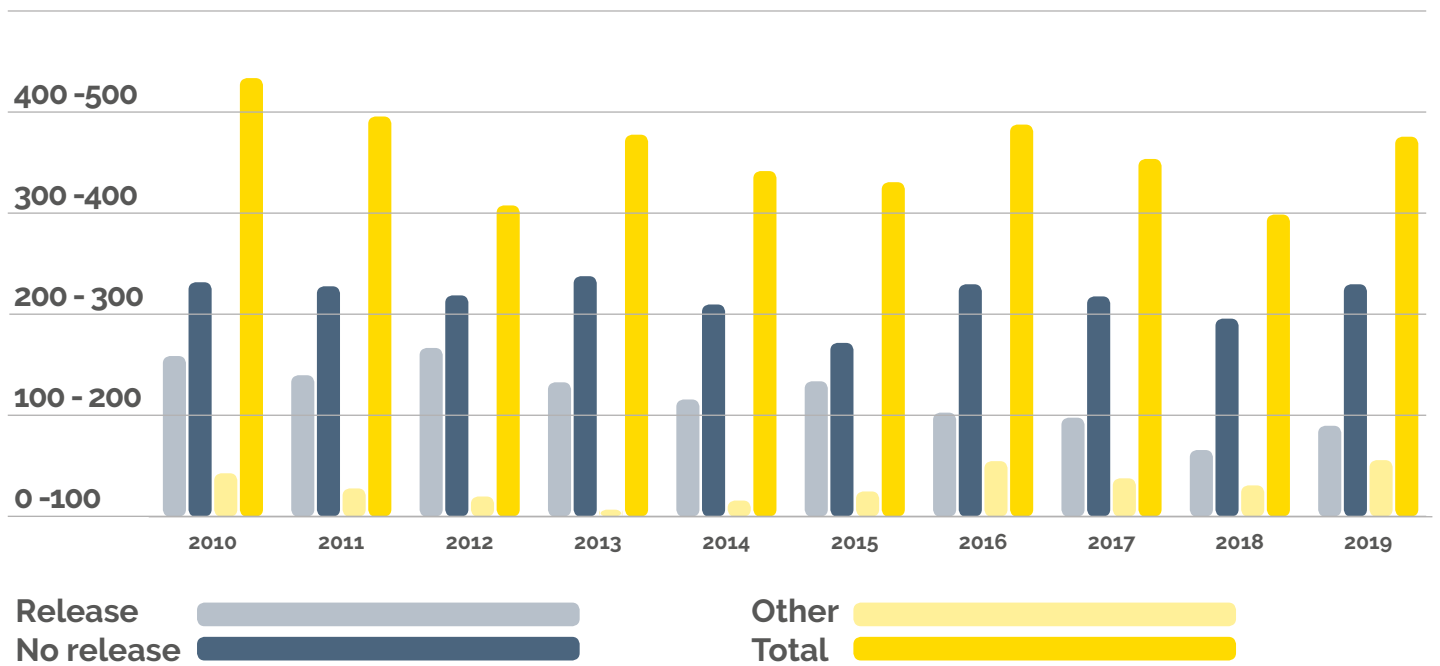
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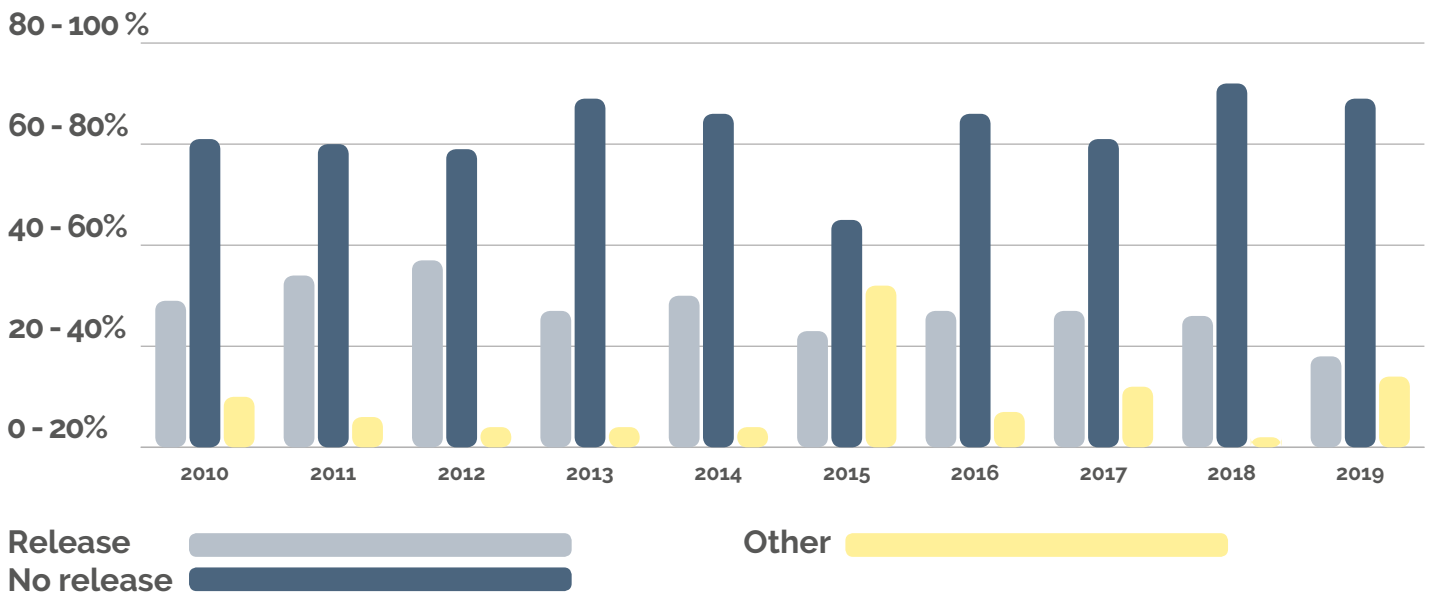
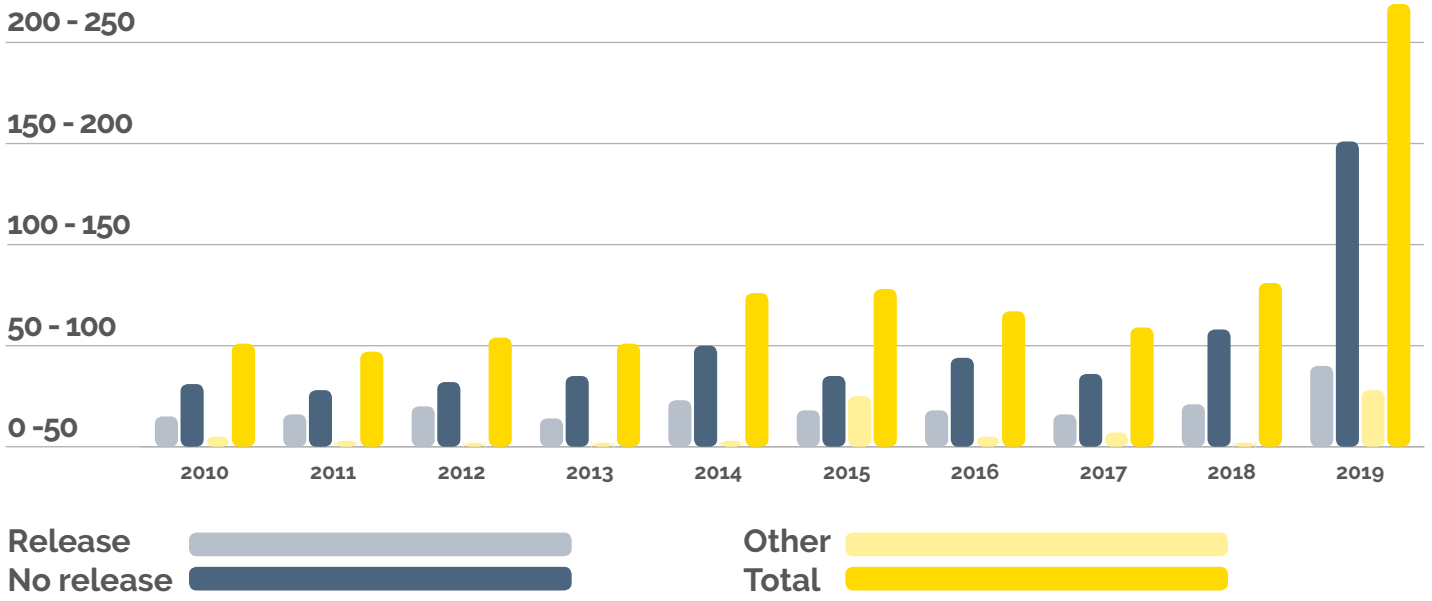
Year of Release	Time Spent in Custody by Persons First Released from Life Sentences									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
2017-18	1	1	0	0	5	1	5	8	6	27
2018-19	0	0	0	2	2	5	6	2	20	37
2019-20	0	0	0	0	1	1	3	3	11	19
Total	1	1	0	2	8	7	14	13	37	83¹

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

200 - 250

150 - 200

100 - 150

50 - 100

0 - 50

2010 2011 2012 2013 2014 2015 2016 2017 2018 2019

Release 
 No release 

Other 
 Total 

80 - 100 %

60 - 80%

40 - 60%

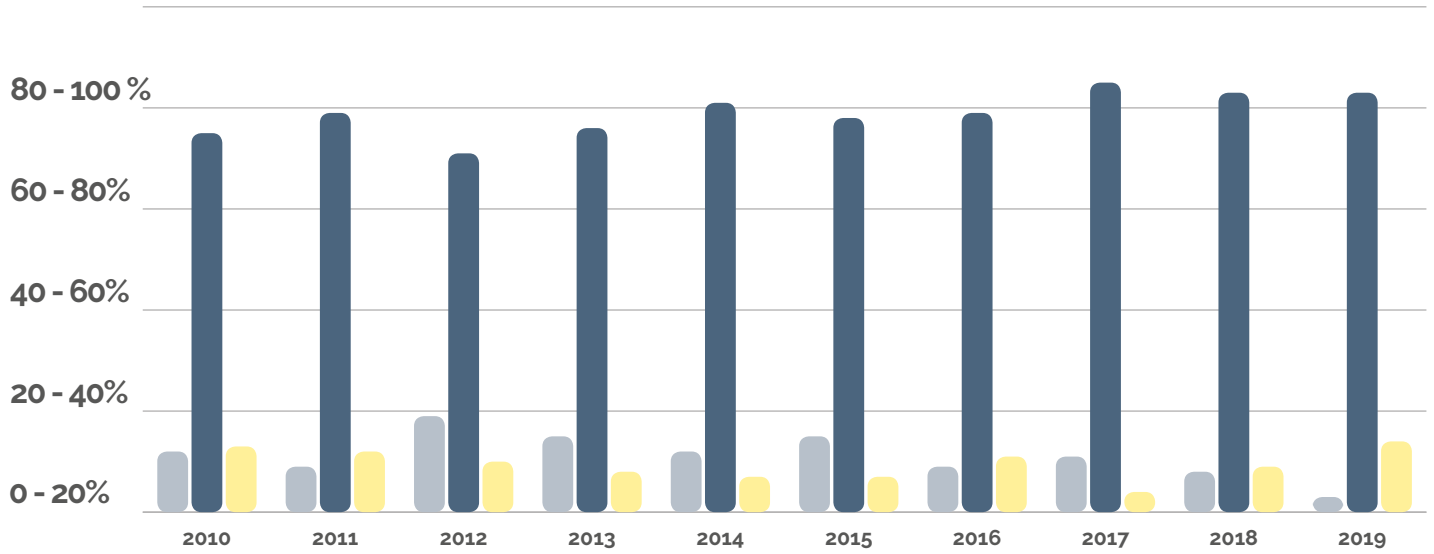
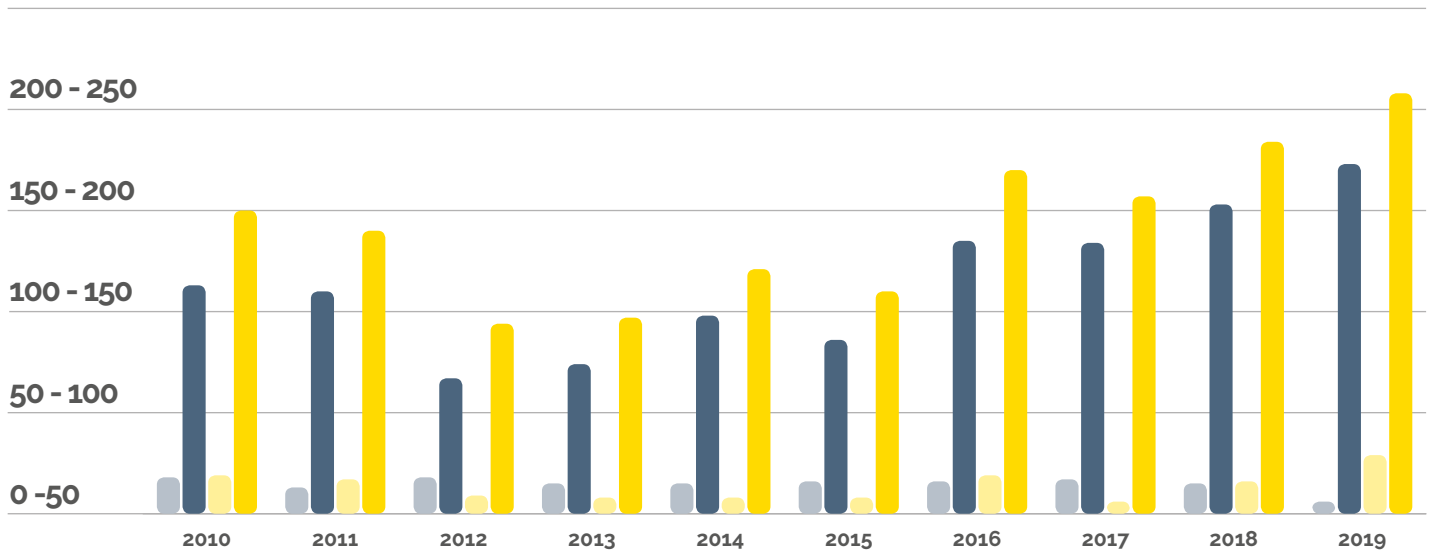
20 - 40%

0 - 20%

2010 2011 2012 2013 2014 2015 2016 2017 2018 2019

Release 
 No release 

Other 



Life sentence Prisoners

400 - 500

300 - 400

200 - 300

100 - 200

0 - 100

2010

2011

2012

2013

2014

2015

2016

2017

2018

2019

Release
No release

Other
Total

80 - 100 %

60 - 80%

40 - 60%

20 - 40%

0 - 20%

2010

2011

2012

2013

2014

2015

2016

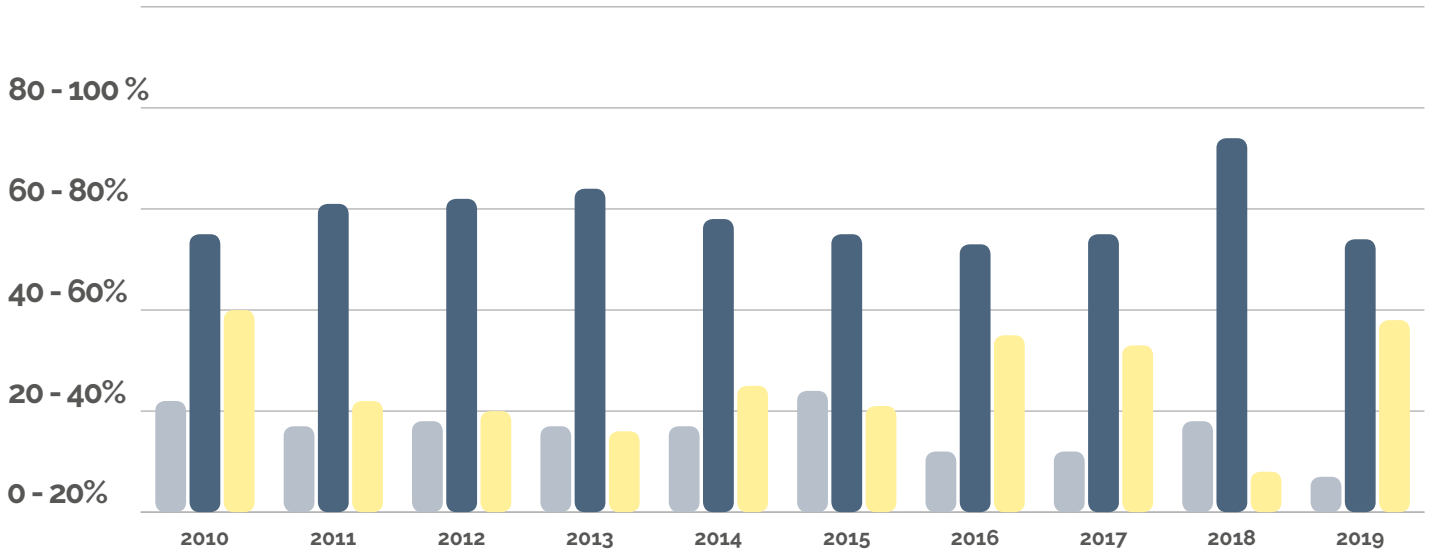
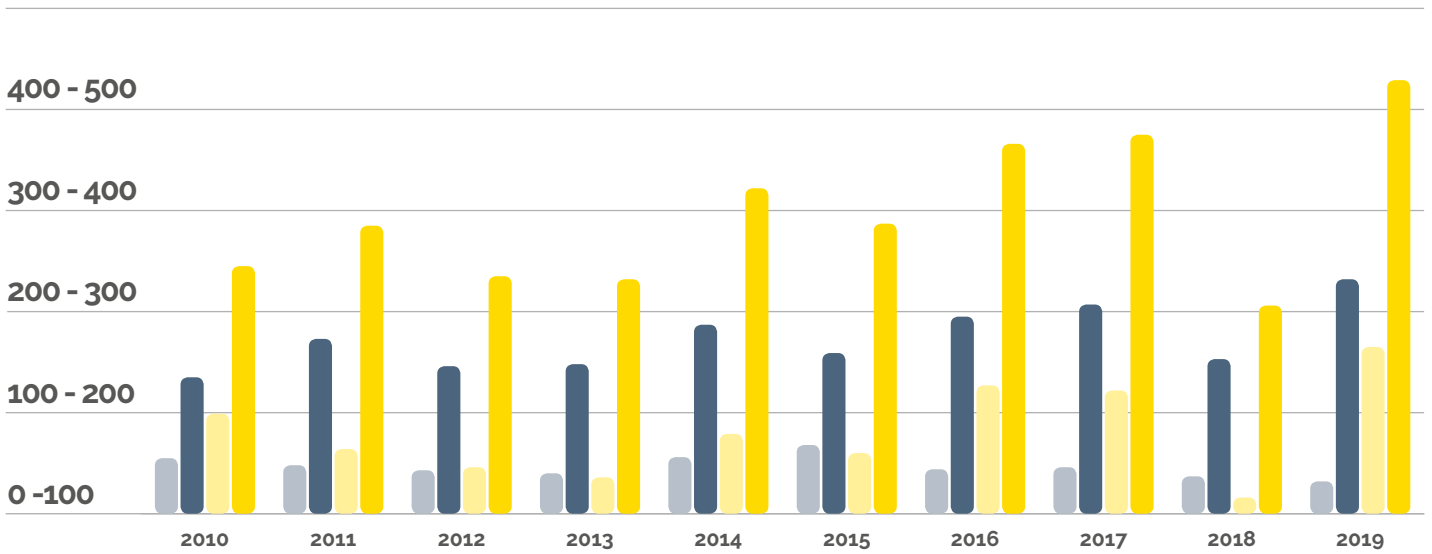
2017

2018

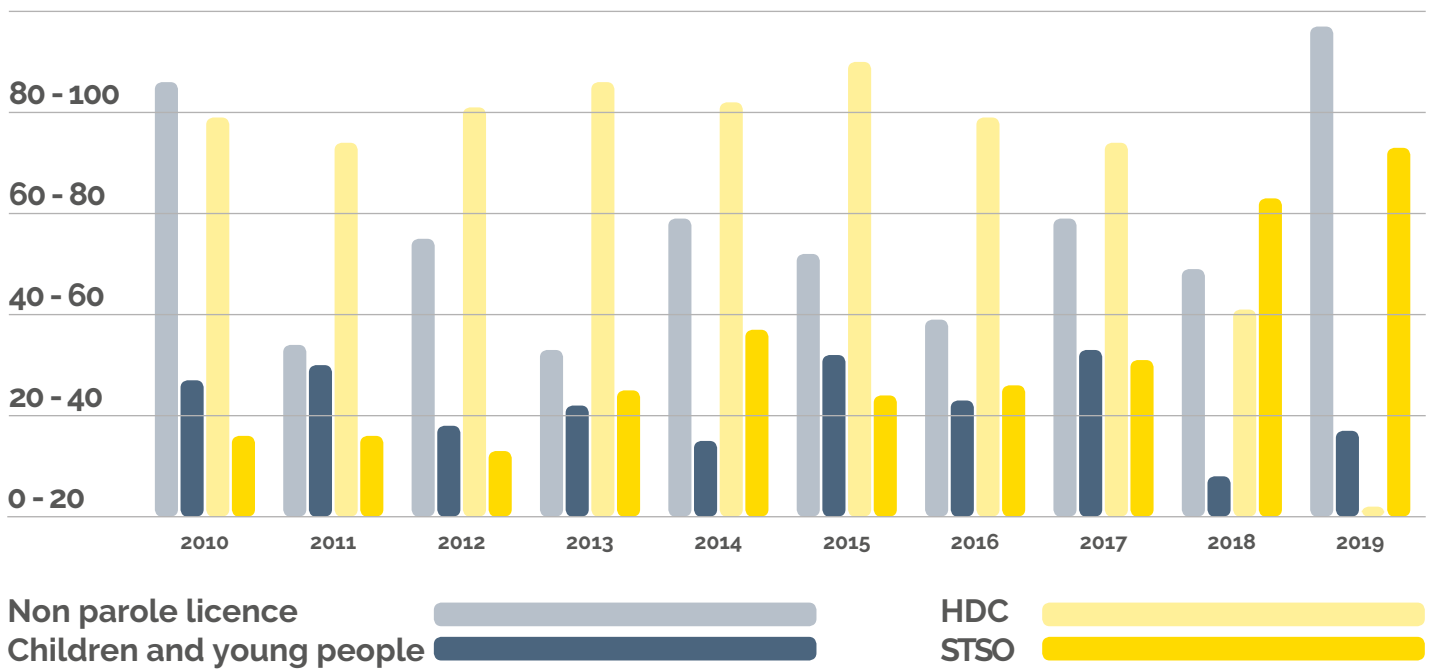
2019

Release
No release

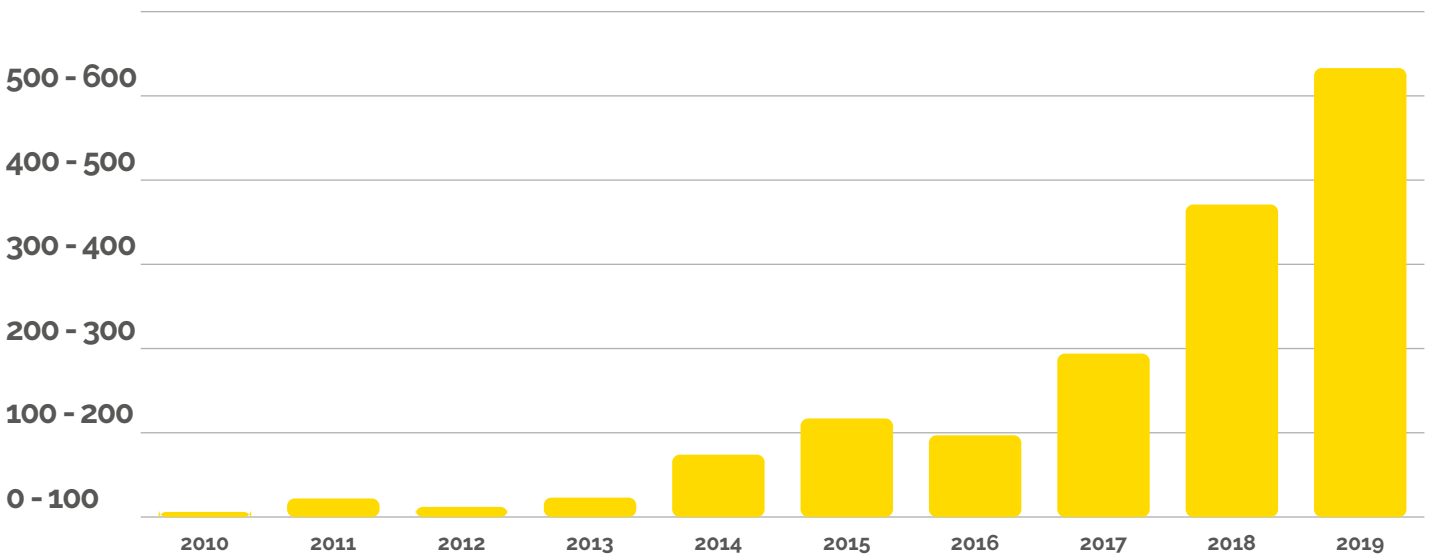
Other



Miscellaneous



Oral Hearings



Statutory Provisions and
Financial Information

019

Appendix B



**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 below.
 - 2D. (1) A person who has been a member of the Parole Board is eligible for appointment to the membership on a subsequent occasion.
 - (2) The exception to this is where the person's membership has previously ceased by virtue of—
 - (a) paragraph 2C, or
 - (b) paragraph 2D.

Automatic reappointment

- 2HA (1) A member of the Parole Board is to be reappointed to the membership on the expiry of the period of the member's appointment, unless—
- (a) in any case, sub-paragraph (2) applies, or
 - (b) where the member is not the chairperson, sub-paragraph (3) applies.
- (2) This sub-paragraph applies if the member has declined to be reappointed.
- (3) This sub-paragraph applies if the Scottish Ministers have accepted a recommendation made to them by the chairperson that the other member should not be reappointed.
- (4) A recommendation of that kind may be made to the Scottish Ministers only if the chairperson is satisfied that—
- (a) the other member has failed to comply with any of the terms and conditions of membership by which the member is bound, or
 - (b) the number of members required for the Board to carry out its functions is such that the services of the other member are no longer needed.
- (5) The instrument of appointment of the member may be annotated or reissued so as to show that the member is reappointed under sub-paragraph (1).

- 2HB (1) Sub-paragraphs (2) and (3) apply in connection with paragraph 2HA(1).
- (2) The reference in paragraph 2HA(1) to the period of the appointment includes each period of reappointment under that paragraph.
 - (3) In addition—
 - (a) the provisions of paragraphs 1 to 2D apply in relation to reappointment under paragraph 2HA(1) as well as applying otherwise, and
 - (b) the references in paragraphs 1 to 2D to appointment are so far as necessary for this purpose to be read as including reappointment, which in particular means that reappointment is for 5 years at a time."

Performance of duties

- 2J. 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 above 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 2019-20 were as follows:

	1/4/19 - 31/3/20
Chairman	£506
Legal Member	£330
Psychiatrist	£330
General Member	£213
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 2019-20 was £2,514,346 made up as follows:

Members Fees, Staff Salaries and Travel/Subsistence	£2,306,136
Legal Costs	£42,003
Other	£166,207
Total	£2,514,346

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 2019-20 reveals that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2019-20 for life prisoners and extended sentence prisoners is £1000. The average cost of considering a case at a meeting of the Board is £200.

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.

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