

Parole
Board
for
Scotland

Annual
Report
2023/2024



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.

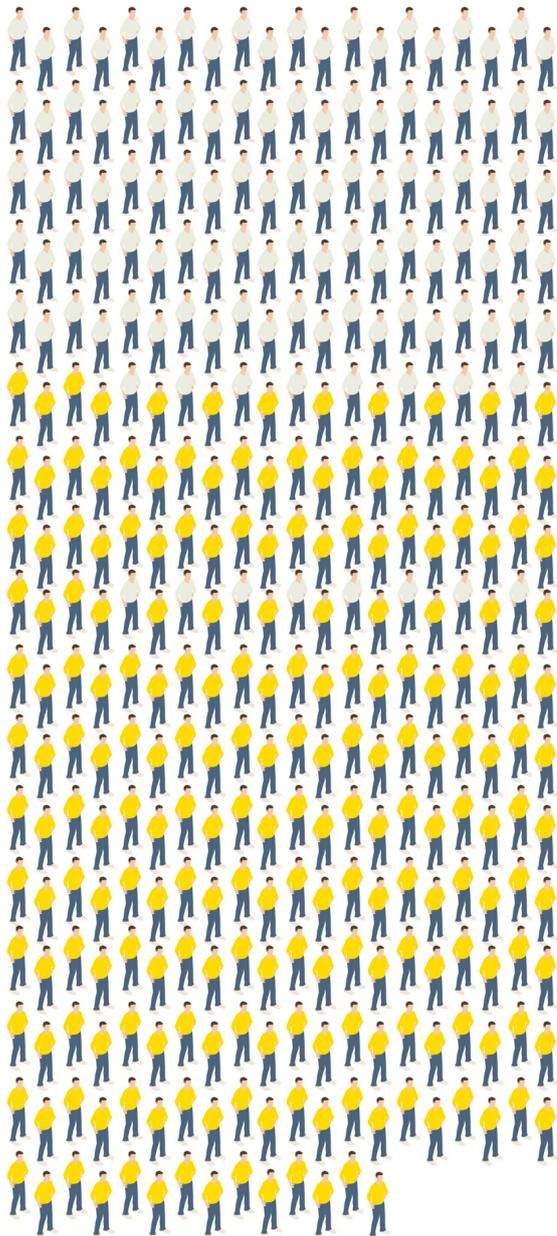
SG/2025/34
March 2025

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The Parole Board for Scotland
Saughton House
Broomhouse Drive
Edinburgh EH11 3XD
APS Group Scotland
PPDAS958326 (03/2025)
Published by The Parole Board
for Scotland,

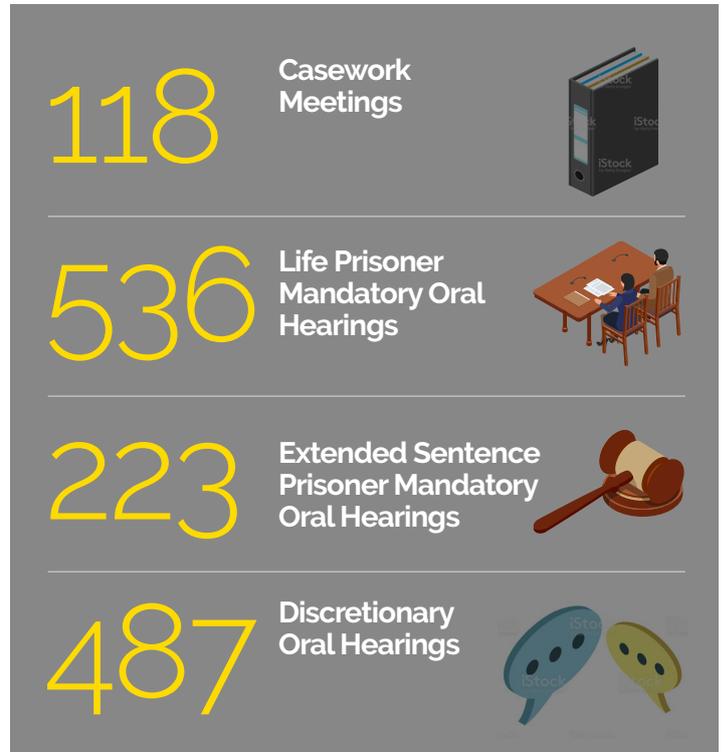


Life prisoner cases

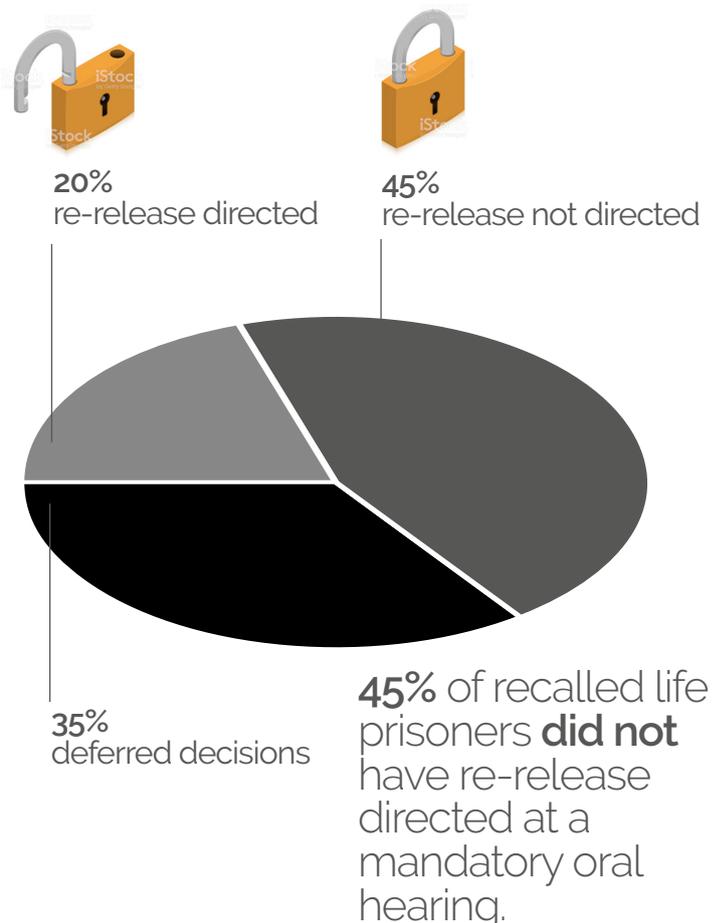
536 



Of the **536** life sentence mandatory oral hearings that took place, **the Board did not direct release on 368 occasions.**



Recalled Life prisoners*



* Figures are shown on page 31



Discretionary oral hearings

Life prisoner

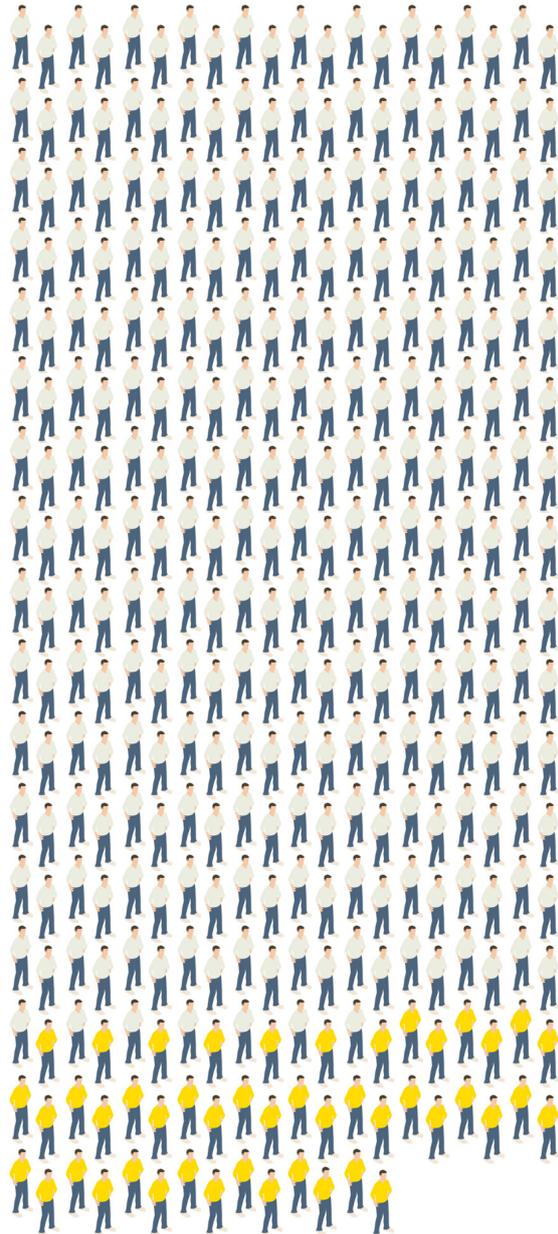
Discretionary oral hearings have fallen by

7%

from last reporting year.



54



Of the **479*** life sentence mandatory oral hearings that took place, **the Board directed release on 54 occasions.**

*Does not include re-release considerations

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Chair's and Chief Executive's

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 - Scotland's Parole Court - during 2023 - 2024.

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 Board has continued to conduct its casework meetings, and the majority of its hearings remotely using audio-visual technology. This operating approach has had no significant impact on case outcomes and has clear time and cost benefits both for the Board and also for those appearing before the Board, for example Social Work witnesses who no longer have to travel to attend.

At the same time staff in the Board's administrative function continue to work largely from home. The commitment and professionalism of our staff and membership as we adapt and evolve has meant the Board has continued to operate efficiently and effectively over the reporting year. It is clear that the

increasing complexity of considerations is having a considerable impact on casework staff resilience and we will be reviewing our staffing needs over the next year with a view to implementing a revised staffing structure.

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 while also protecting the rights of victims, communities and others who are affected. 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 and victims, community safety and the rights of third parties.



As detailed in last year's report the figures set out this year 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. None of these changes are significant and are within what we would expect in terms of year to year variations.

Following on from the last reporting year, we have continued to look at data presentation and expanded it in certain areas to support transparency. However, release data can be compared to previous years.

There continues to be a number of Judicial Reviews of Board decisions although very few succeed. In this reporting year there were 11 applications for judicial review. This is expensive and time consuming.

The Board depends on information from a number of sources, including, Social Work, Scottish Prison Service, Police Scotland, Crown Office and Procurator Fiscal Service, Scottish Court Service and sometimes the National Health Service. Problems and delays can arise if such information does not arrive timeously and to an appropriate standard. The Board must, in the interests of fairness, take account of any difficulties or delays in securing legal representation and to allow sufficient time for the Prisoner and their Legal representative to be adequately prepared for the Parole Hearing. In essence, that Board is at the end of a chain of processes each link of which has to be effective for the Board to function efficiently.

During 2022/23 reporting year, the Board trialled the triaging of dossiers referred by Scottish Ministers.

It may seem illogical to apply quality control processes after a dossier has been submitted but that is the Board's first opportunity.

A process was developed where Board Members reviewed dossiers as they were referred, to quality assess them, and identify problems or gaps in information which might result in deferrals. Results have been encouraging (31.7% of OHs deferred in 2023/24 (compared to 35.2% in 2022/23) but there is scope for further improvements which are currently being considered for implementation in 2025/2026. It should be noted that many of the reasons for deferrals are beyond the Board's control and are often as a result of issues or questions raised during the hearing.

We will also look to work with other organisations involved in the chain of Parole processes to identify and implement improved approaches. There were discussions with the Scottish Government in the hope of being able to carry out an end-to-end review of the parole system but that proved not to be possible, although, planning for the review has now commenced and we expect a report some time in early 2025.

Changes to the Parole Board (Scotland) Rules effective from March 2022 allowed the Board to approve the attendance at tribunals of victims as observers and a process has now been embedded to allow victims to apply for approval in as simple and helpful way as possible. The Parole Scotland Victims' Team works hard to support such observations, taking a trauma informed approach. All staff in Parole Scotland have been trained in trauma informed. Guidance for members was produced on conducting tribunals with an observer present and all Board members

attended a briefing session. In the reporting year the Board received 62 observation requests, of which 57 were approved.

We would like to take this opportunity to thank, not only members and all of the hard working staff in Parole Scotland for their commitment and support but also 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.



John Watt
Chair, Parole Board for Scotland



Colin Spivey
Chief Executive,
Parole Board for Scotland

About the Parole Board

The Parole Board for Scotland was first constituted by section 59(1) and Schedule 2 of the Criminal Justice Act 1967 to advise the Secretary of State for Scotland on the early release on licence and recall of prisoners in terms of that Act. Since then in excess of 10 statutes have impacted directly on the Board's functions and roles including the Prisoners and Criminal Proceedings (Scotland) Act 1993.

Section 20(1) of the 1993 Act provides that there shall continue to be a body known as the Parole Board for Scotland to discharge the functions set out in the 1993 Act.

A significant watershed was the Convention Rights (Compliance) (Scotland) Act 2001. Until then the Board carried out an advisory role as a paper exercise.

The 2001 Act amended the 1993 Act and radically altered the system of parole in Scotland.

Part 1 introduced new release arrangements for life prisoners, augmented the role of the Board and ensured compliance with certain decisions of the European Court of Human Rights ("ECtHR").

Part 2 of the 2001 Act reformed the constitution of the Board, created rule making powers and established a system of Tribunals and security of tenure of Board members that was compliant with Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention").

About the Parole Board



The Board was reformed into a Tribunal Non-departmental Public Body, which is an independent, judicial body the members of which hold judicial office independent of Scottish Ministers and which acts as a Court.

Like Parole Boards and their equivalents in New Zealand, Australia, South Africa, the United States, Canada, Jersey, Guernsey, the Isle of Man, Ireland North and South, England and Wales, Western Europe and Scandinavia, the Board is entirely independent from the country's court system.

Scottish Ministers have now confirmed that they consider that the Board and Oral Hearings of the Board operate in terms of the Parole Board (Scotland) Rules 2022 and numerous court decisions, as Courts for the purposes of Articles 5(4) and 6(1) of the European Convention on Human Rights.

They are not "courts" in the conventional sense of bodies which adjudicate between parties who are in dispute or preside over criminal trials or civil proofs. Their role is at least partly inquisitorial in nature but they can be seen as Scotland's parole courts.

The Board and its Oral Hearings are not "courts" for any of the purposes of the Judiciary and Courts (Scotland) Act 2008 other than the appointment provisions set out in Part 2 Chapter 3 and in particular are not listed as a court in Section 2 (6).

The Board's 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 who are, in terms of the 2022 Rules, parties to its Oral Hearings.

The Board only grants release in cases where the level and nature of risk are deemed to be manageable. This decision is informed by oral or written evidence in the form of witness evidence or, usually, reports contained in dossiers. The content of the dossier referred to the Board by Scottish Ministers includes, wherever practical, documents listed in the schedule to the Parole Board rules. The Board is keen, as part of its commitment to continuous improvement, to continue engaging with Scottish Ministers around whether this approach provides the best and most timely information.

The tests which the Board and its Oral Hearings apply in making release decisions are many and complex. Release of life prisoners and some extended sentence prisoners are covered by statutory tests while all others are non-statutory tests, which have not been tested in court. The tests are set out in the Member's guidance manual which can be found on the Board's website.

While the Board has inquisitorial duties, it has no powers to investigate but only to require information from investigators such as the police or Crown or to cite witnesses and question them by way of investigation.

Relations with Scottish Ministers are regulated by a Memorandum of Understanding which includes reference to governance processes. There is, however, no statutory basis for

governance arrangements. This issue has been recognised by Scottish Ministers and there is provision in the Management of Offenders (Scotland) Act 2019 for Scottish Ministers to make Regulations in this respect. The Board awaits confirmation as to when these Regulations will be made and will seek to be involved in their drafting. It is hoped that firm progress can be made quickly.

The Board's supporting administrative body, Parole Scotland, comprises civil servants informally assigned from the wider civil service in Scotland. Parole Scotland occupies Scottish Government premises.

The Board has no independent budget but receives funding from the Justice budget monitored by Justice Directorate civil servants. The Board is also required to rely on Scottish Government for provision and maintenance of Information Technology systems. As the complexity and scope of the Board's work continues to grow we will continue to discuss whether these arrangements remain proportionate and appropriate.

While no doubt very necessary, neither the Board nor Parole Scotland has a part in preparing prisoners for the Parole process. With the introduction of the Victims Team, victims are guided through the process of parole and given a detailed breakdown of how to compose representations (with referral to a victim support worker if needed) and given key information on what to expect during an observation (if they are eligible, and choose to attend). It is right that the Board, as a court, should not be involved but there can be significant negative impact on the work of the Board because prisoners are not ready to proceed at hearings.

Everyone involved in the Parole System works very hard to make it work. We will continue to advocate for, and to seek to change and improve whilst providing the best service we can. We confidently expect that other agencies in the parole process will play a full part with the Board in driving necessary change in a reasonable time scale.

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 up to 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.

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 mandatory Oral Hearing. This is a face to face (via Livelink) 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 sex 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 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 mandatory Oral Hearing.

For re-release of extended sentence prisoners, a mandatory Oral Hearing 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 a discretionary 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.

Advice to Scottish Ministers

It may be worth mentioning that it is the duty of the Board to advise the Scottish Ministers with respect to *any* matter referred to it by them which is connected with the early release or recall of prisoners. So far as can be ascertained, Scottish Ministers have not sought such advice during the period of the report.

Tests for Release

There are statutory tests for release in the case of life sentence prisoners and recalled extended sentence prisoners. The lifer test is "Before the Tribunal can direct release, it must be satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined". The recalled extended sentence prisoner test is "the Board shall not direct release unless it is satisfied that it is no longer necessary for the protection of the public from serious harm that the prisoner should be confined".

There are no statutory tests for release otherwise and the test which has been applied for many years is that "the Board can recommend release where it is satisfied that such risk as the prisoner poses can be safely managed in the community". The origin of the test is not entirely clear and it has never been tested in court.

Chapter One

The year's

Work

01.2



The tables below provide the outcome details of review considerations by the Board during the period 1 April 2023 - 31 March 2024. Comparable historical data gathered together by sentence type is contained in Appendix A.

CASES CONSIDERED UNDER PART 3* OF THE PAROLE BOARD (SCOTLAND) RULES 2022

Determinate sentence prisoners - first review for release

At casework meetings

Recommendation - release	29
Recommendation - no release	127
Oral hearing required	101
Deferrals	52
Withdrawals	2
Other decisions	0
Total considerations	311

At discretionary oral hearings

Recommendation - release	32
Recommendation - no release	54
Deferrals	44
Withdrawals	1
Other decisions	0
Total considerations	131

* Cases referred to the Board under Part 3 are considered by way of a casework meeting, on the basis of the dossier alone, with the option to hold a discretionary oral hearing (formerly known simply as an oral hearing) if required in the interests of justice.

Determinate sentence prisoners - subsequent review for release

At casework meetings

Recommendation - release	30
Recommendation - no release	213
Oral hearing required	99
Deferrals	49
Withdrawals	2
Other decisions	0
Total considerations	393

At discretionary oral hearings

Recommendation - release	29
Recommendation - no release	71
Deferrals	51
Withdrawals	1
Other decisions	1
Total considerations	153

Determinate sentence prisoners - consideration for re-release

At casework meetings

Direction - release	0
Direction - no release	45
Oral hearing required	32
Deferrals	9
Withdrawals	2
Other decisions	0
Total considerations	88

At discretionary oral hearings

Direction - release	3
Direction - no release	22
Deferrals	6
Withdrawals	4
Other decisions	0
Total considerations	35

Determinate sentence prisoners - review for release following recall

At casework meetings

Recommendation - release	1
Recommendation - no release	9
Oral hearing required	6
Deferrals	2
Withdrawal	0
Other decisions	0
Total considerations	18

At discretionary oral hearings

Recommendation - release	0
Recommendation - no release	9
Deferrals	5
Withdrawals	0
Other decisions	0
Total considerations	14

Extended sentence prisoners - first review for release

At casework meetings

Recommendation - release	0
Recommendation - no release	98
Oral hearing required	16
Deferrals	21
Withdrawals	4
Other decisions	0
Total considerations	139

At discretionary oral hearings

Recommendation - release	2
Recommendation - no release	11
Deferrals	5
Withdrawals	0
Other decisions	0
Total considerations	18

Extended sentence prisoners - subsequent review for release

At casework meetings

Recommendation - release	4
Recommendation - no release	173
Oral hearing required	50
Deferrals	19
Withdrawals	5
Other decisions	0
Total considerations	251

At discretionary oral hearings

Recommendation - release	7
Recommendation - no release	38
Deferrals	14
Withdrawals	1
Other decisions	0
Total considerations	60

Extended sentence prisoners - consideration for re-release

At casework meetings

Direction - release	0
Direction - no release	13
Oral hearing required	20
Deferrals	4
Withdrawals	3
Other decisions	0
Total considerations	40

At discretionary oral hearings

Direction - release	3
Direction - no release	18
Deferrals	13
Withdrawals	1
Other decisions	0
Total considerations	35

Extended sentence prisoners - review for release following recall

At casework meetings

Recommendation - release	1
Recommendation - no release	5
Oral hearing required	4
Deferrals	2
Withdrawals	1
Other decisions	0
Total considerations	13

At discretionary oral hearings

Recommendation - release	1
Recommendation - no release	11
Deferrals	5
Withdrawals	0
Other decisions	0
Total considerations	17

Short-term sex offenders (STSO) - consideration for re-release

At casework meetings

Direction - release	0
Direction - no release	29
Oral hearing required	18
Deferrals	15
Withdrawals	3
Other decisions	0
Total considerations	65

At discretionary oral hearings

Direction - release	4
Direction - no release	14
Deferrals	5
Withdrawals	1
Other decisions	0
Total considerations	24

Short-term sex offenders (STSO) - review for release following recall

At casework meetings

Recommendation - release	1
Recommendation - no release	1
Oral hearing required	0
Deferrals	1
Withdrawals	0
Other decisions	0
Total considerations	3

At discretionary oral hearings

Recommendation - release	0
Recommendation - no release	0
Deferrals	0
Withdrawals	0
Other decisions	0
Total considerations	0

Other considerations

Recommendation - release licence conditions	144
Licence amendment requests	150
Termination of supervision requests	13
Compassionate release requests	2
Home Detention Curfew (HDC) recall appeals	3
Early review requests	3
Total considerations	315

CASES CONSIDERED UNDER PART 4* OF THE PAROLE BOARD (SCOTLAND) RULES 2022**Extended sentence prisoners - consideration for re-release****At mandatory oral hearings**

Direction - release	7
Direction - no release	53
Deferrals	48
Withdrawals	3
Other decisions	0
Total considerations	111

Extended sentence prisoners - review for release following recall**At mandatory oral hearings**

Direction - release	5
Direction - no release	80
Deferrals	26
Withdrawals	1
Other decisions	0
Total considerations	112

* Cases referred to the Board under Part 4 of the 2022 Rules are considered by way of a mandatory oral hearing (formally known as a tribunal hearing).

Life sentence prisoners - first review for release

At mandatory oral hearings

Direction - release	9
Direction - no release	27
Deferrals	15
Withdrawals	1
Other decisions	0
Total considerations	52

Life sentence prisoners - subsequent review for release

At mandatory oral hearings

Direction - release	25
Direction - no release	174
Deferrals	100
Withdrawals	1
Other decisions	0
Total considerations	300

Life sentence prisoners - consideration for re-release

At mandatory oral hearings

Direction - release	12
Direction - no release	27
Deferrals	21
Withdrawals	0
Other decisions	0
Total considerations	60

Life sentence prisoners - review for release following recall

At mandatory oral hearings

Direction - release	20
Direction - no release	60
Deferrals	42
Withdrawals	2
Other decisions	0
Total considerations	124

Order for Lifelong Restriction (OLR) prisoners - first review for release

At mandatory oral hearings

Direction - release	0
Direction - no release	19
Deferrals	10
Withdrawals	1
Other decisions	0
Total considerations	30

Order for Lifelong Restriction (OLR) prisoners - subsequent review for release

At mandatory oral hearings

Direction - release	6
Direction - no release	105
Deferrals	39
Withdrawals	3
Other decisions	0
Total considerations	153

Order for Lifelong Restriction (OLR) prisoners - consideration for re-release

At mandatory oral hearings

Direction - release	1
Direction - no release	0
Deferrals	2
Withdrawals	0
Other decisions	0
Total considerations	3

Order for Lifelong Restriction (OLR) prisoners - review for release following recall

At mandatory oral hearings

Direction - release	1
Direction - no release	5
Deferrals	8
Withdrawals	0
Other decisions	0
Total considerations	14

CASES CONSIDERED FOR REPORTED BREACH OF LICENCE CONDITIONS**Determinate sentence prisoners**

Decision - recall to custody	87
Decision - issue warning letter	22
Decision - no action	2
Deferrals	5
Withdrawals	0
Total considerations	116

Extended sentence prisoners

Decision - recall to custody	97
Decision - issue warning letter	37
Decision - no action	1
Deferrals	12
Withdrawals	1
Total considerations	148

Short-term sex offenders (STSOs)

Decision - recall to custody	64
Decision - issue warning letter	18
Decision - no action	1
Deferrals	7
Withdrawals	0
Total considerations	90

Life sentence prisoners

Decision - recall to custody	40
Decision - issue warning letter	27
Decision - no action	4
Deferrals	10
Withdrawals	1
Total considerations	82

Order for Lifelong Restriction (OLR) prisoners

Decision - recall to custody	2
Decision - issue warning letter	2
Decision - no action	0
Deferrals	1
Withdrawals	0
Total considerations	5

SUMMARY OF CASES WHERE RELEASE RECOMMENDED - BY OFFENCE

	Violence	Drugs	Sexual	Property	Other	Total
Determinate						
10 years or over	6	0	2	3	0	11
Under 10 years	41	27	28	0	18	114
Total	47	27	30	3	18	125

	Violence	Drugs	Sexual	Property	Other	Total
Extended						
10 years or over	14	0	1	0	0	15
Under 10 years	9	0	6	0	0	15
Total	23	0	7	0	0	30

	Violence	Drugs	Sexual	Property	Other	Total
Short-term Sex Offenders (STSOs)						
10 years or over	0	0	0	0	0	0
Under 10 years	0	0	5	0	0	5
Total	0	0	5	0	0	5

	Violence	Drugs	Sexual	Property	Other	Total
Life						
10 years or over	60	0	1	0	0	61
Under 10 years	5	0	0	0	0	5
Total	65	0	1	0	0	66

	Violence	Drugs	Sexual	Property	Other	Total
Order for Lifelong Restriction (OLR)						
10 years or over	0	0	0	0	0	0
Under 10 years	8	0	0	0	0	8
Total	8	0	0	0	0	8

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 determinate sentence prisoners who have opted out of the process. In addition, 37 extended sentence prisoners' self-rejected from having a further review following recall.

Year	2021/2022	2022/2023	2023/2024
Eligible	1115	1037	994
Opting Out	103	103	72
%	9	10	7

Total considerations

Across all referral types, the Board carried out a total of **3,562** considerations during 2023/24.

Recalls to custody

Of the **195** prisoners released on parole licence by the Board in 2023/24, a total of **39** were recalled to custody within 12 months of release for reported breach of licence conditions.

Of the **298** prisoners for whom the Board set non-parole licence conditions in 2023/24, a total of **107** were recalled to custody within 12 months of release.

Non-parole licences

The Prisoners and Criminal Proceedings (Scotland) Act 1993 requires a determinate or extended sentence prisoner to be released on licence (if they have not already been released and recalled to custody) when they reach their Earliest Date of Liberation (EDL). The term "non-parole" is used to describe such licences, for which the Board recommends conditions to Scottish Ministers.

During 2023/24, there were **118** determinate or extended sentence considerations where release was not recommended and at the same time non-parole licence conditions were recommended. There were a further **144** considerations solely for the purpose of recommending non-parole licence conditions.

Orders for Lifelong Restriction (OLRs)

An Order for Lifelong Restriction is a form of indeterminate sentence, which differs from a life sentence in that it has an additional element of lifelong risk management.

During 2023/24, there were **200** considerations of OLR prisoners by way of mandatory oral

hearing. Of those, **8** saw the Board direct release on licence and recommend licence conditions to Scottish Ministers.

Children and Young People

The Board has responsibility for considering the cases of children and young people sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995.

During 2023/24, there were **4** considerations of a child or young person.

Discretionary oral hearings

A discretionary oral hearing takes place for Part 3 cases which have initially been considered on the basis of the dossier alone, where the Board considers that an oral hearing is required in the interests of justice, e.g. where evidence needs to be heard from witnesses.

During 2023/24, there were **487** considerations by way of discretionary oral hearing.

Preliminary hearings

A preliminary hearing takes place in cases which require certain matters to be resolved prior to the Board considering the case.

During 2023/24, there were **38** considerations by way of preliminary hearing.

Chapter Two

Progress Report

01.3



Legislation

This year saw the bedding in of the Parole Board (Scotland) Rules 2022 which were restructured to align procedures for old Part III and Part IV cases.

The provision to appoint a Special Advocate under Rule 9 Non-Disclosure was used on eleven occasions over the reporting period.

The Parole Board used Rule 26 on three occasions to appoint legal representation where an individual was deemed not to have capacity to do this for themselves.

Rule 31, the requirement to provide a Statement of Preparation, not less than 10 days prior to the Oral Hearing is being adhered to by the majority of legal representatives and is addressed with those who are failing to comply. This has allowed any issues or requests to be addressed ahead of the hearing and is reflected in the deferral rates over the course of the year. Further work is required within Parole Scotland to ensure that this process is used to its full potential.

Decision-making

The Board's decision-making process is rigorous, fair, defensible, and independent. The Board makes fully informed decisions based on all the evidence available to it. 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 slightly over 2 % in 2023-2024.

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. There are currently 24 General members and 18 Legal Chairs.

The Board continued to focus on professional development of its Members this year. Two training events were organised for Members. The topics covered included Trauma, New Legislation, Appointment of Special Advocates, Non Disclosure and Deferrals.

The Board continues 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. It is committed to working in collaboration with Parole Scotland staff on the decisions and issues that affect them.

Working arrangements

The Parole Board Management Group (PBMG) met, via TEAMS, six times during 2023-24 to discuss the Board's operational performance and oversee the implementation of the Board's business plan.

PBMG members during 2023-24 were:

John Watt - Parole Board Chair
 Ian Bryce - Parole Board Member, Vice Chair
 George Connor - Parole Board Member, Vice Chair
 Julia MacLaren, Parole Board, Legal Member
 Kate Phillips, Parole Board, Legal Member
 Colin Spivey - Chief Executive

Elizabeth Thomson - Deputy Chief Executive

The following corporate risks were actively managed during the year:

- Casework Management System
- Records Management
- Budget Constraints
- Members Guidance and Support

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 monthly. PBMG will be fully reviewing the Board's corporate risk management processes during 2024/2025.

The triage process introduced in December 2022 was rolled out to cover all Part 4 referrals and all restricted patient and cross border dossiers. This process has proved to be successful in addressing deferral rates and will be extended to all Part 3 cases in the next reporting year.

Technology

The Board continues to work completely electronically resulting in a significant reduction in the cost of consumables. Rule 16 of The Parole Board (Scotland) Rules 2022 formalised the presumption is that proceedings will take place by Livelink, however, hearings may still take place either at the Board's discretion or on the application of a party.

This has resulted in efficiencies in Parole Scotland processes and has also contributed to significant savings in terms of members travel and associated costs.

Raising awareness

The Board recognises the vital role legal professionals have in ensuring prisoners are supported during the parole process, and its Solicitor User Group met twice during the year to provide a platform for the sharing of key information, predominately around the implementation of the Parole Board (Scotland) Rules and discussion of any identified operational issues.

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 remote attendance at several meetings and events across the country throughout the year. This included a series of sessions delivered to Local Authority Social Work teams, presentations to professional staff with SPS establishment. Recognising the importance of continuing to strengthen the Board's profile, the delivery method and format of the outreach sessions are a combination of in person and via Teams.

Victims Engagement

Provisions included in the Parole Board (Scotland) Rules 2022, which came into effect in April 2023 allow the Board to approve the attendance at mandatory Oral Hearings of those registered with Part 2 of the Victim Notification Scheme (VNS) as observers.

Parole Scotland's Victims Team continues to support such observations, taking a trauma informed/skilled approach. The team successfully facilitated fifty-seven observations in this reporting year.

The Victims Team continue to engage with relevant victim support organisations and is exploring options to retrieve feedback from victims involved in the parole process. This will ensure that any concerns are addressed by continuously improving processes and, if required, further staff training.

Full Membership 2024

Board Membership

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	9	15
Legal	8	10
Total	18	25



Case Studies

015



Judicial Reviews

This year's annual report contains a case study of a judicial review involving the Board which concluded during the reporting year. This is considered noteworthy both because of the issues involved and the fact that it was the first time that the Board had appealed a decision to the Inner House of the Court of Session.

Case Study

The Board made a Reclaiming Motion to the Court of Session seeking to challenge the decision of the Lord Ordinary in the petitioner's case. The earlier judicial review outcome had been that the tribunal decision of September 2022 had been reduced and the Court had ordered that a differently constituted tribunal should reconsider petitioner's application for release.

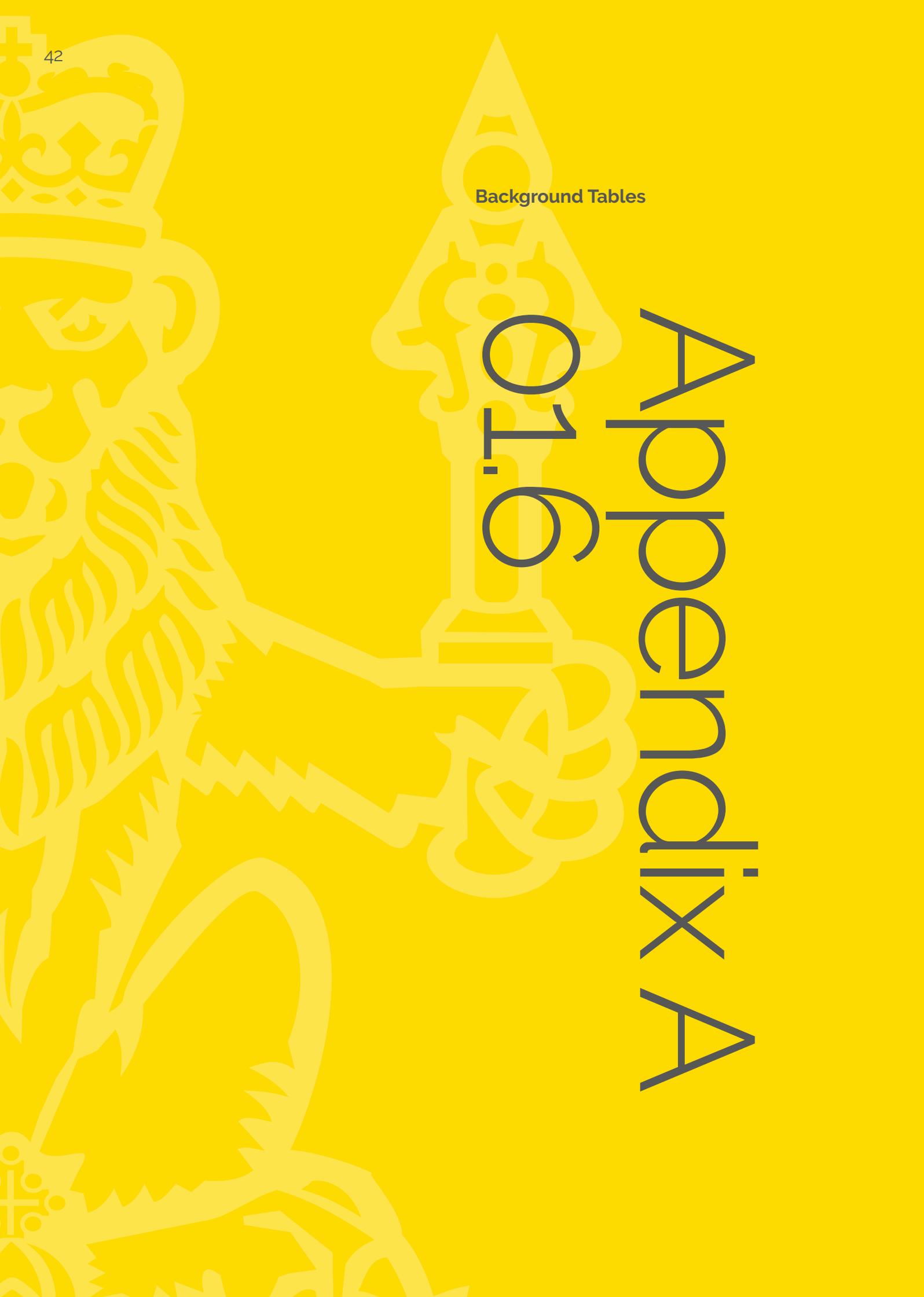
The Board had challenged this decision on three main grounds. Firstly, the Board considered that the correct test for release had been applied, and in situations where it was impossible to assess and monitor the petitioner's risk in the community, then the tribunal could not be satisfied that it was no longer necessary for the protection of the public that he should be confined. Secondly, there was no requirement for the tribunal to apply a further proportionality test weighing the potential risk against the hardship of continued detention. Thirdly, that the tribunal's reasoning had been adequately set out in the relevant decision minute

The Court allowed the Reclaiming Motion made by the Board and set aside the earlier judicial review decision. It found that unless a tribunal can be satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined, even if many years have passed since the expiry of the

punishment part of the sentence, then the statutory obligation is to refuse to release that prisoner on licence. This duty cannot be outweighed by the hardship caused to the prisoner by his continued incarceration. The Court also referred to earlier case law where it was held that it was preferable to concentrate on the statutory language and not to paraphrase. Once the tribunal had addressed itself to the question of whether it was satisfied that it was no longer necessary for the protection of the public that the petitioner should be confined, there was no need for the tribunal to approach the matter in any other fashion. The Court considered that the reasoning provided in the decision minute provided adequate clarity as to why confinement remains necessary in the public interest.

Appendix A

01.6



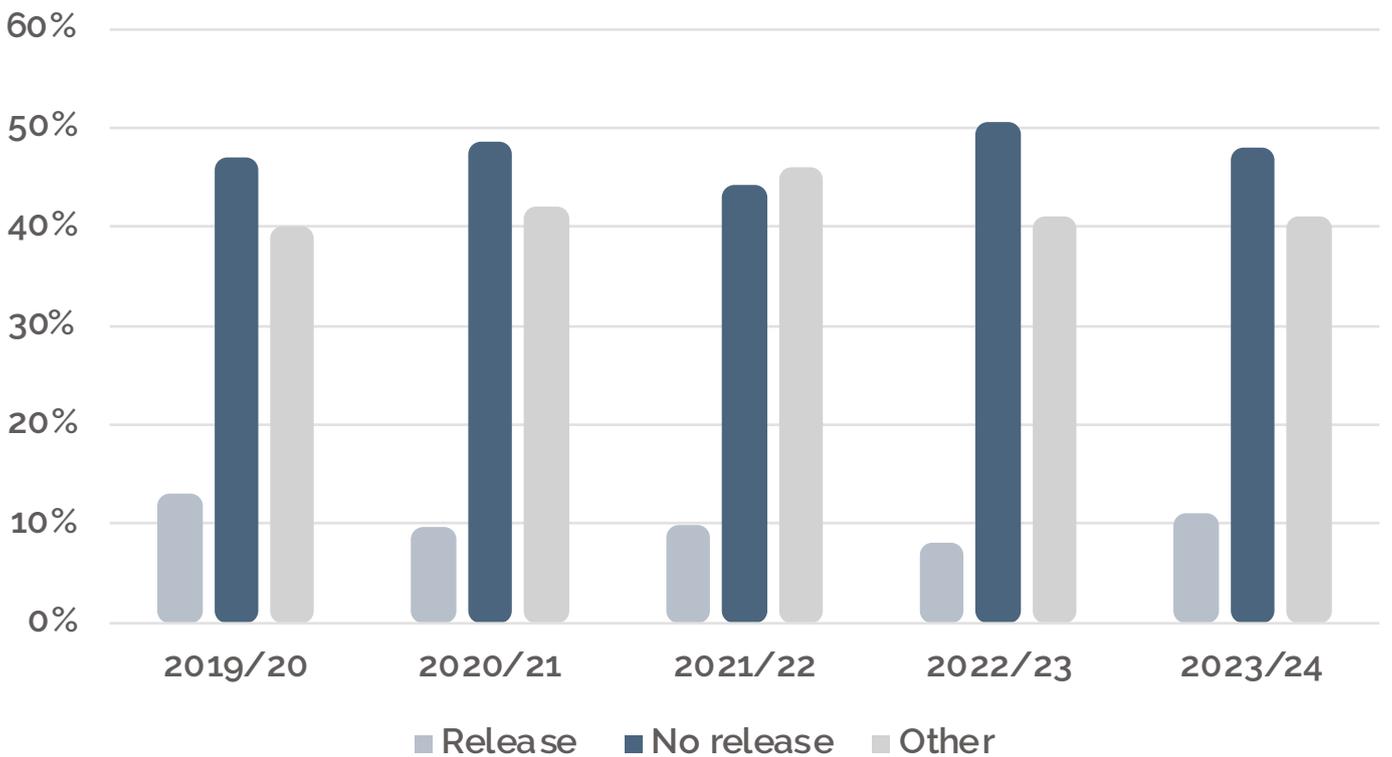
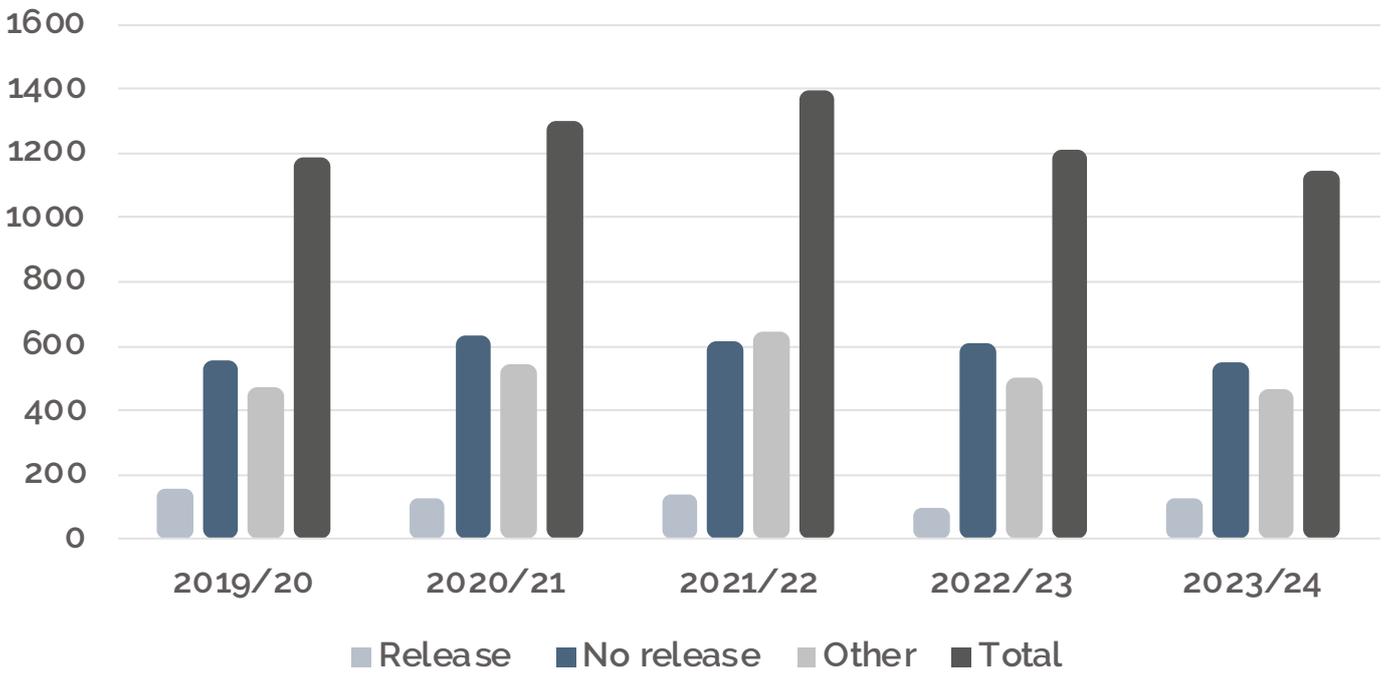
Year of Release	Time in Custody before first release on parole licence (in years)									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
Determinate										
2021-22	117	1	0	0	0	0	0	0	0	118
2022-23	86	2	0	0	0	0	0	0	0	88
2023-24	115	5	1	0	0	0	0	0	0	121
Total	318	8	1	0	0	0	0	0	0	327

Year of Release	Time in Custody before first release on parole licence (in years)									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
Extended										
2021-22	6	0	0	0	0	0	0	0	0	6
2022-23	4	0	0	0	0	0	0	0	0	4
2023-24	12	1	0	0	0	0	0	0	0	13
Total	22	1	0	23						

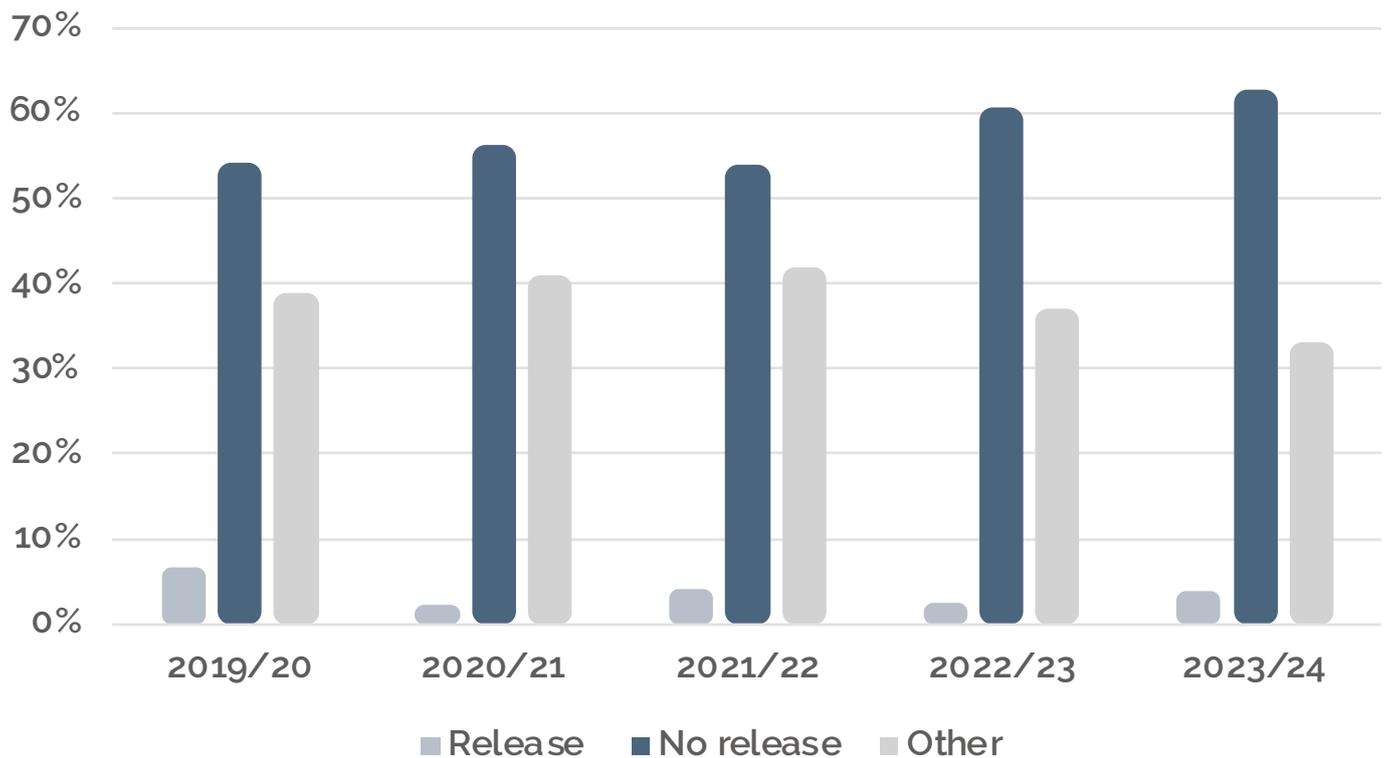
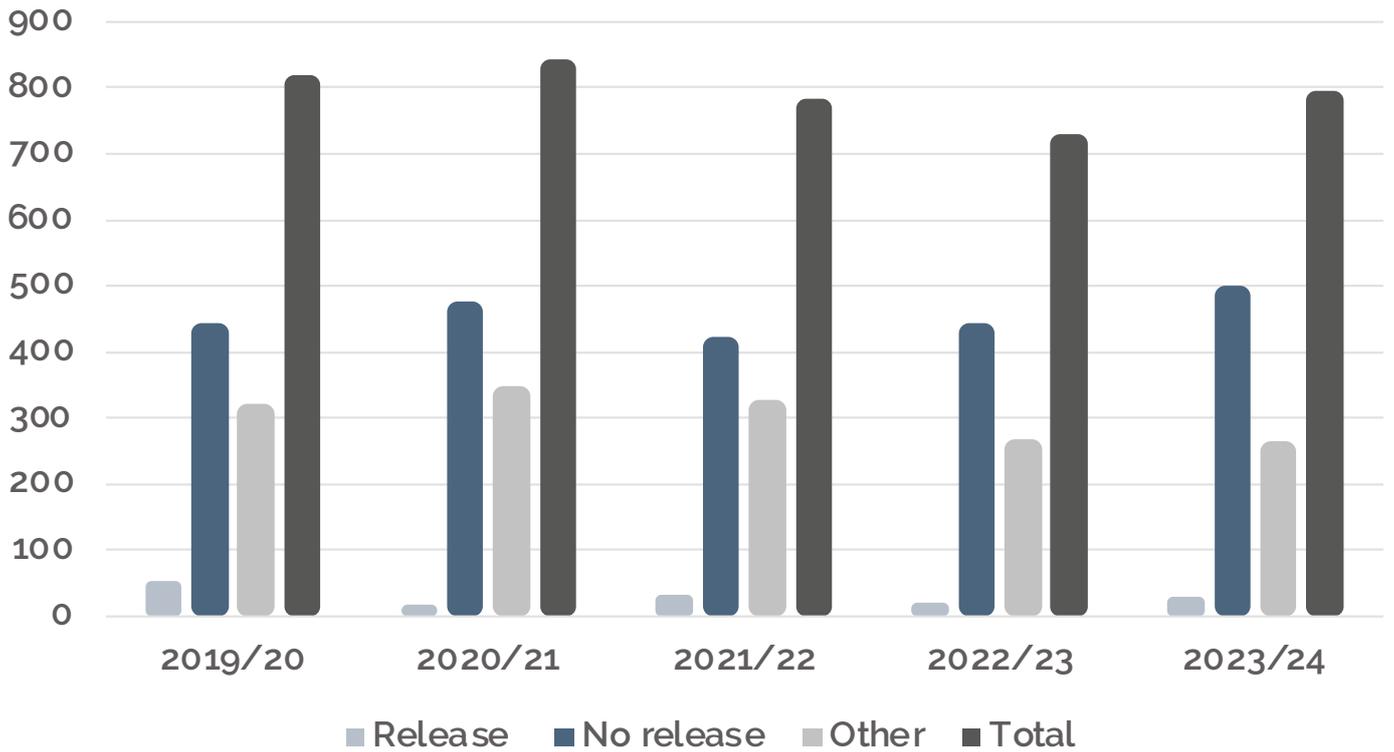
Year of Release	Time in Custody before first release on parole licence (in years)									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
Life										
2021-22	0	0	0	0	0	2	1	1	28	32
2022-23	0	0	0	0	0	1	1	2	36	40
2023-24	0	0	0	0	1	1	2	0	30	34
Total	0	0	0	0	1	4	4	3	94	106

Year of Release	Time in Custody before first release on parole licence (in years)									Total
	Under 7	7 - 8	8 - 9	9 - 10	10 - 11	11 - 12	12 - 13	13 - 14	over 14	
Order for Lifelong Restriction (OLR)										
2021-22	0	0	0	0	0	0	0	0	0	0
2022-23	0	0	0	0	0	0	0	0	1	1
2023-24	0	0	0	0	1	2	1	0	2	6
Total	0	0	0	0	1	2	1	0	3	7

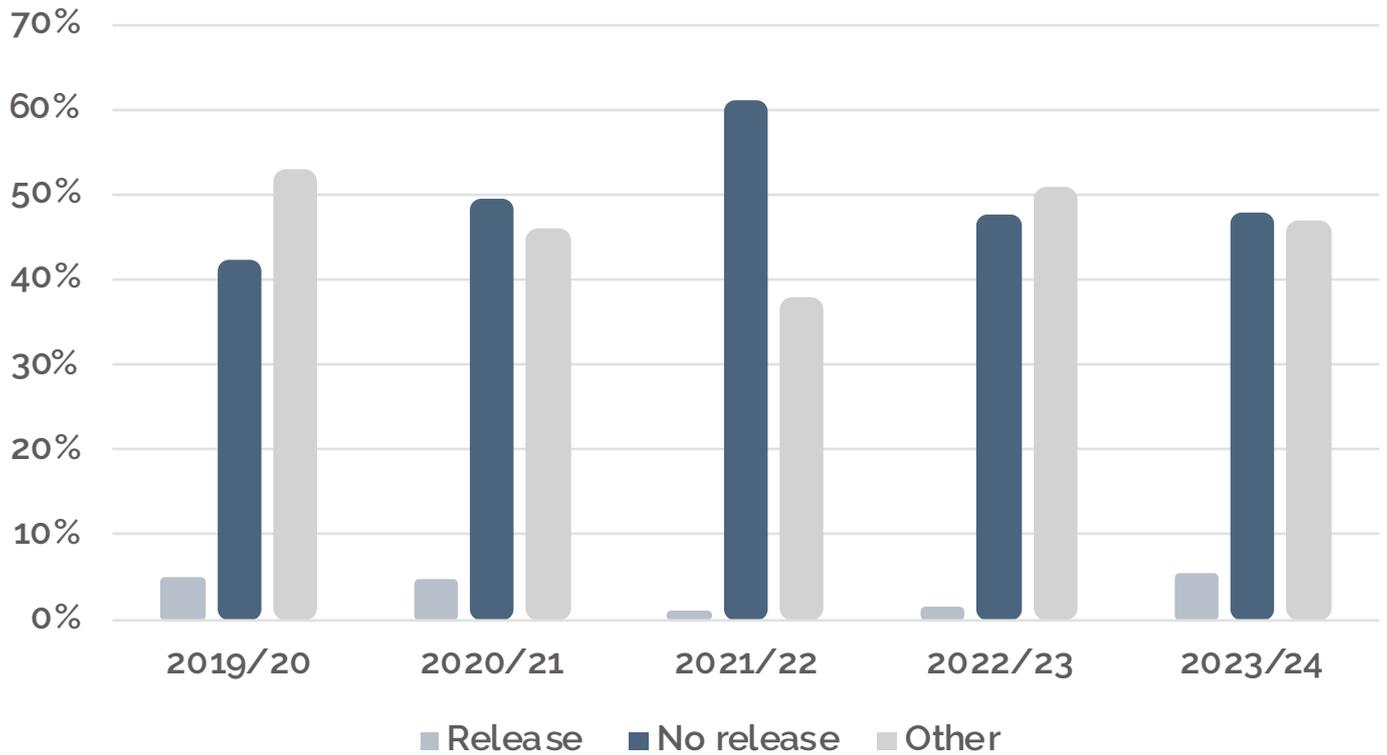
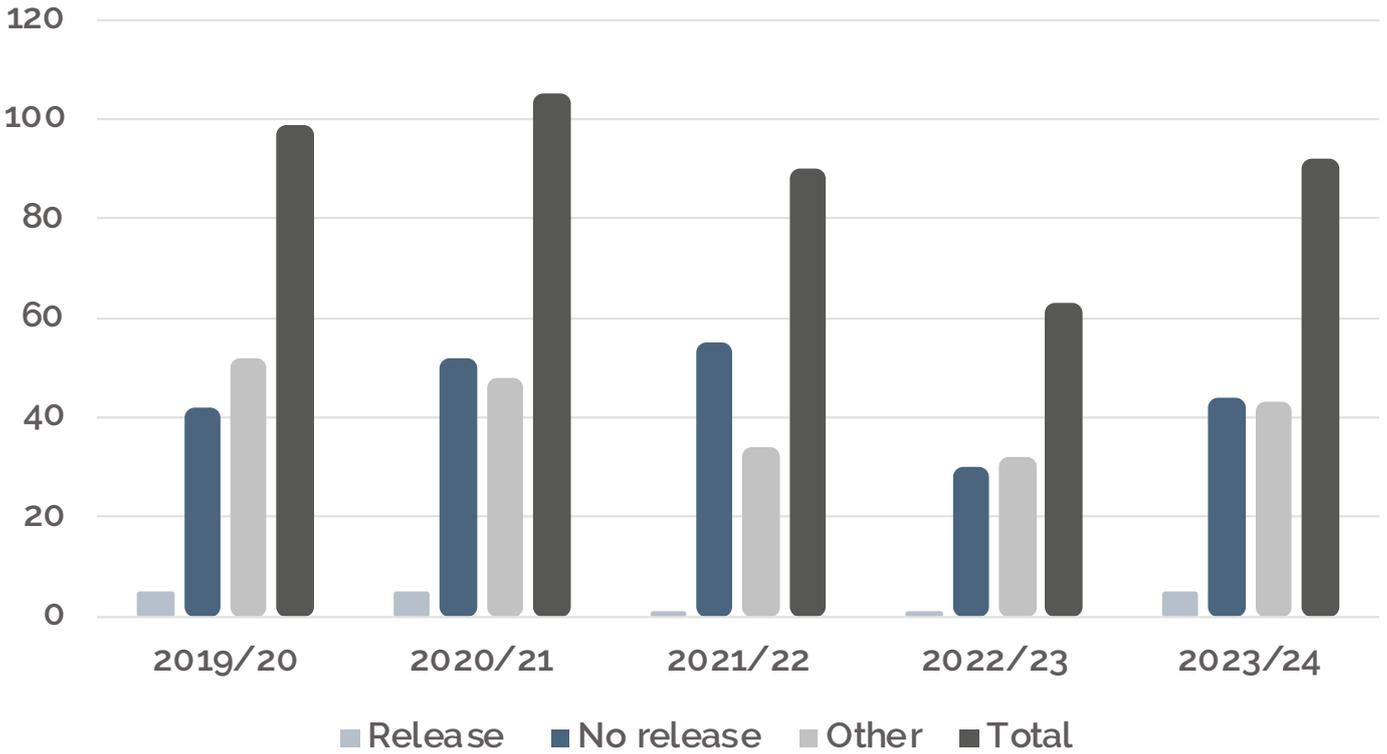
Determinate sentence prisoners - subsequent review for release



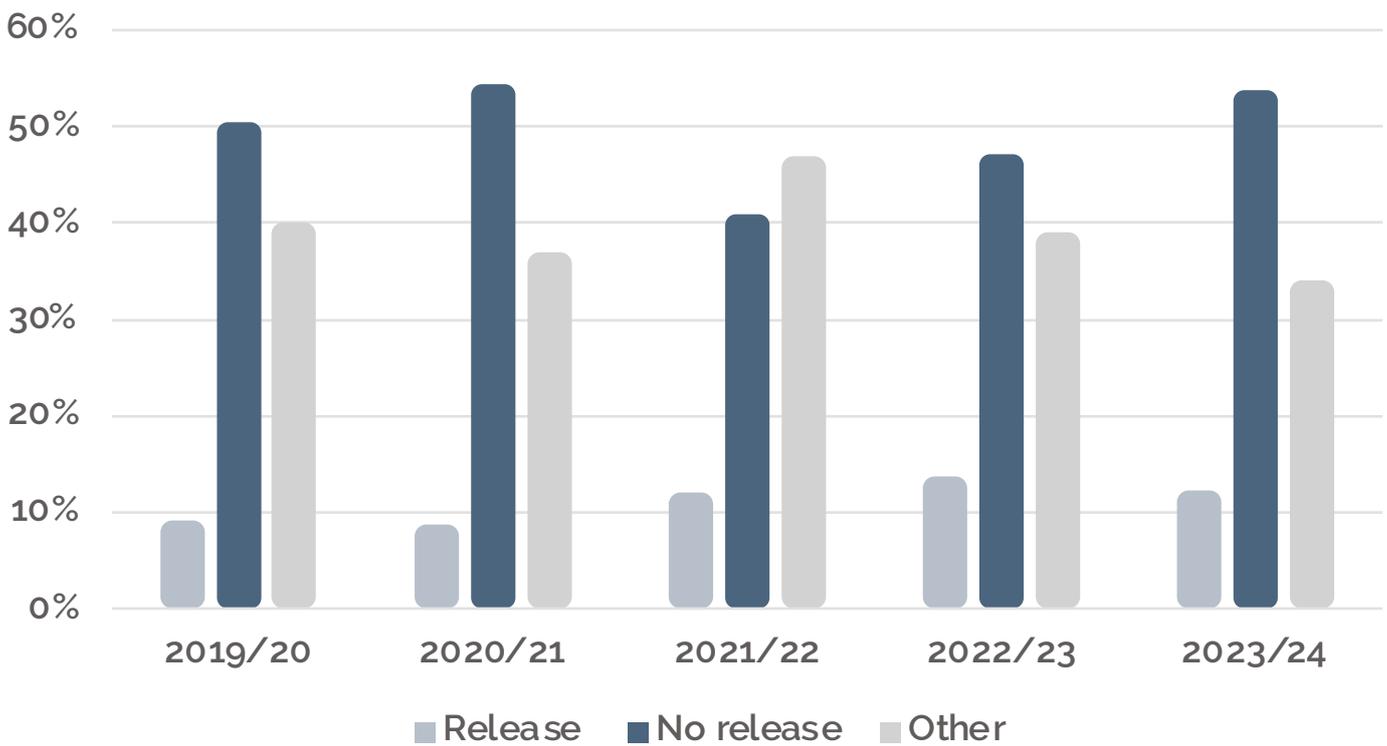
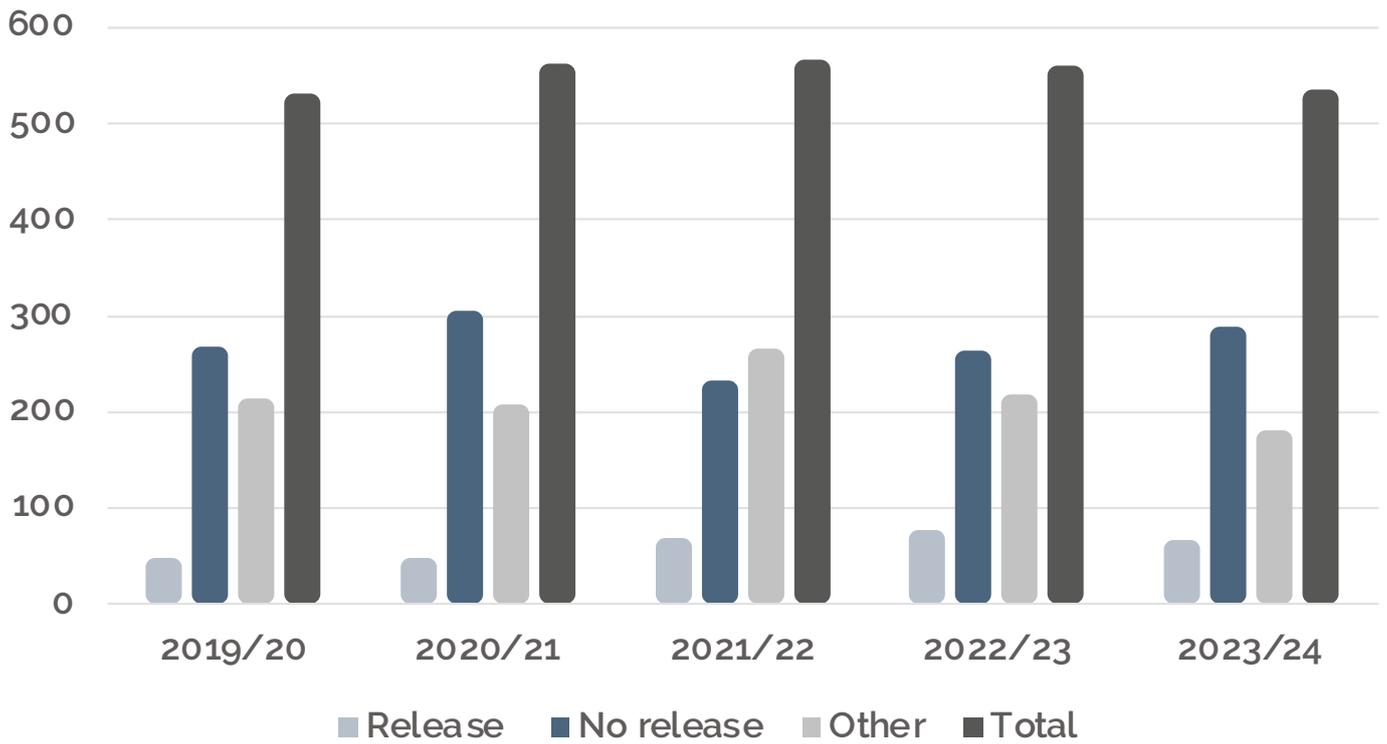
Extended Sentence Prisoners - Review for Early Release



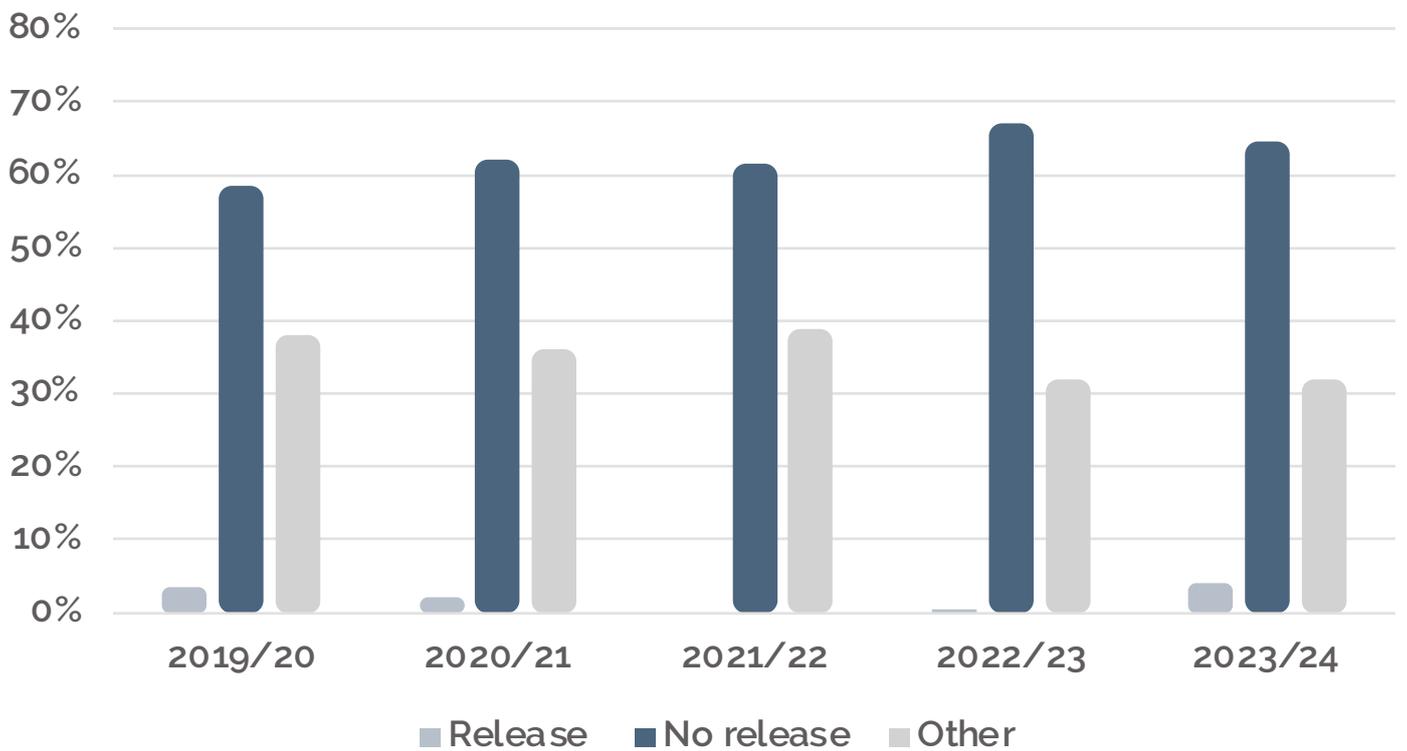
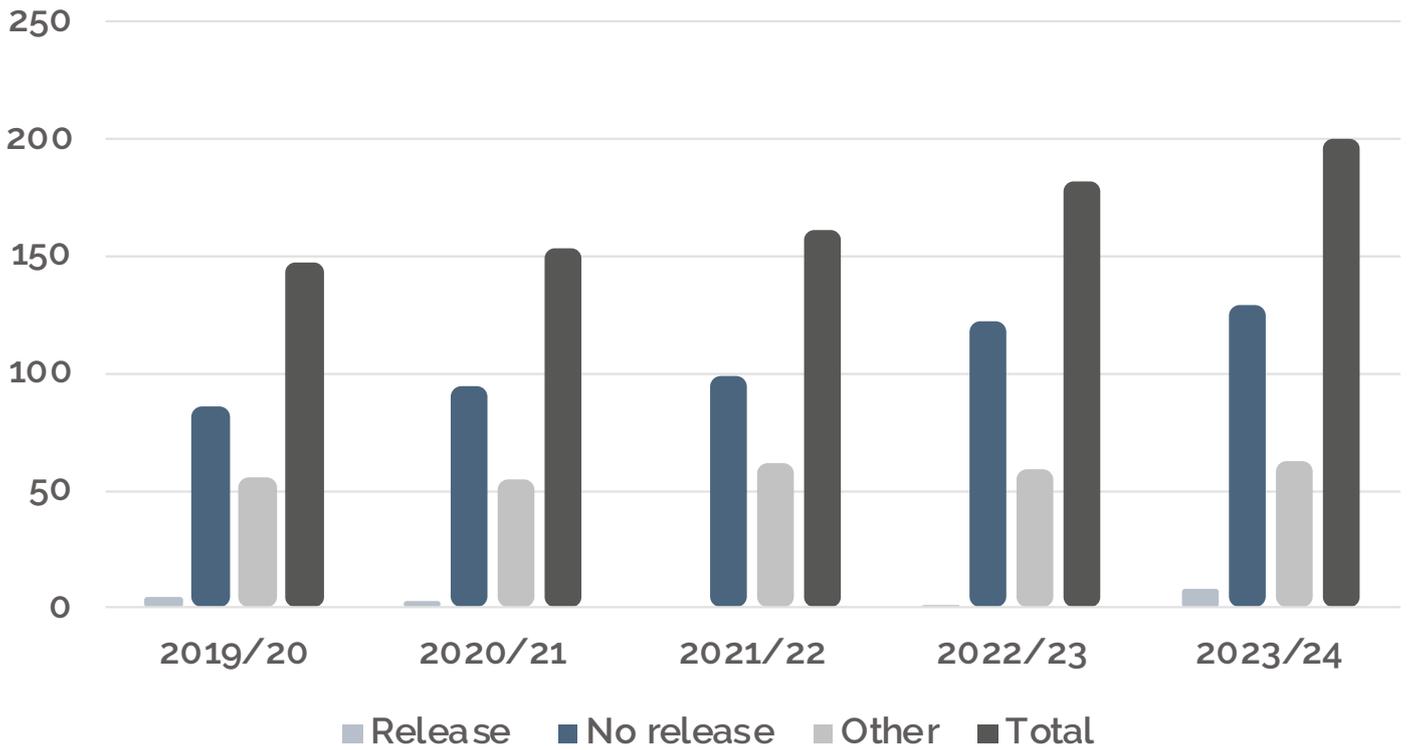
Short-term sex offender (STSO)



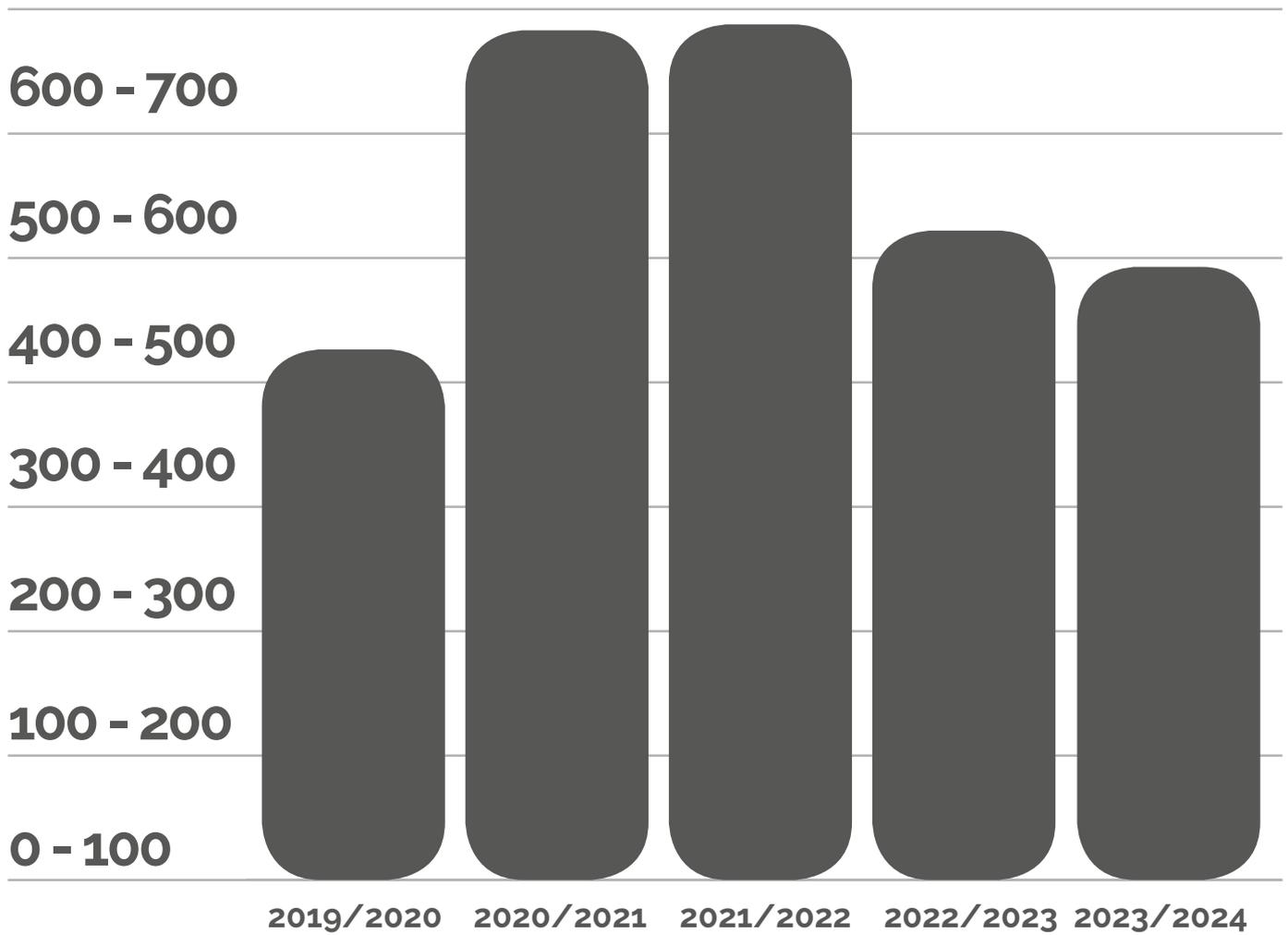
Life sentence



Order for Lifelong Restriction (OLR)



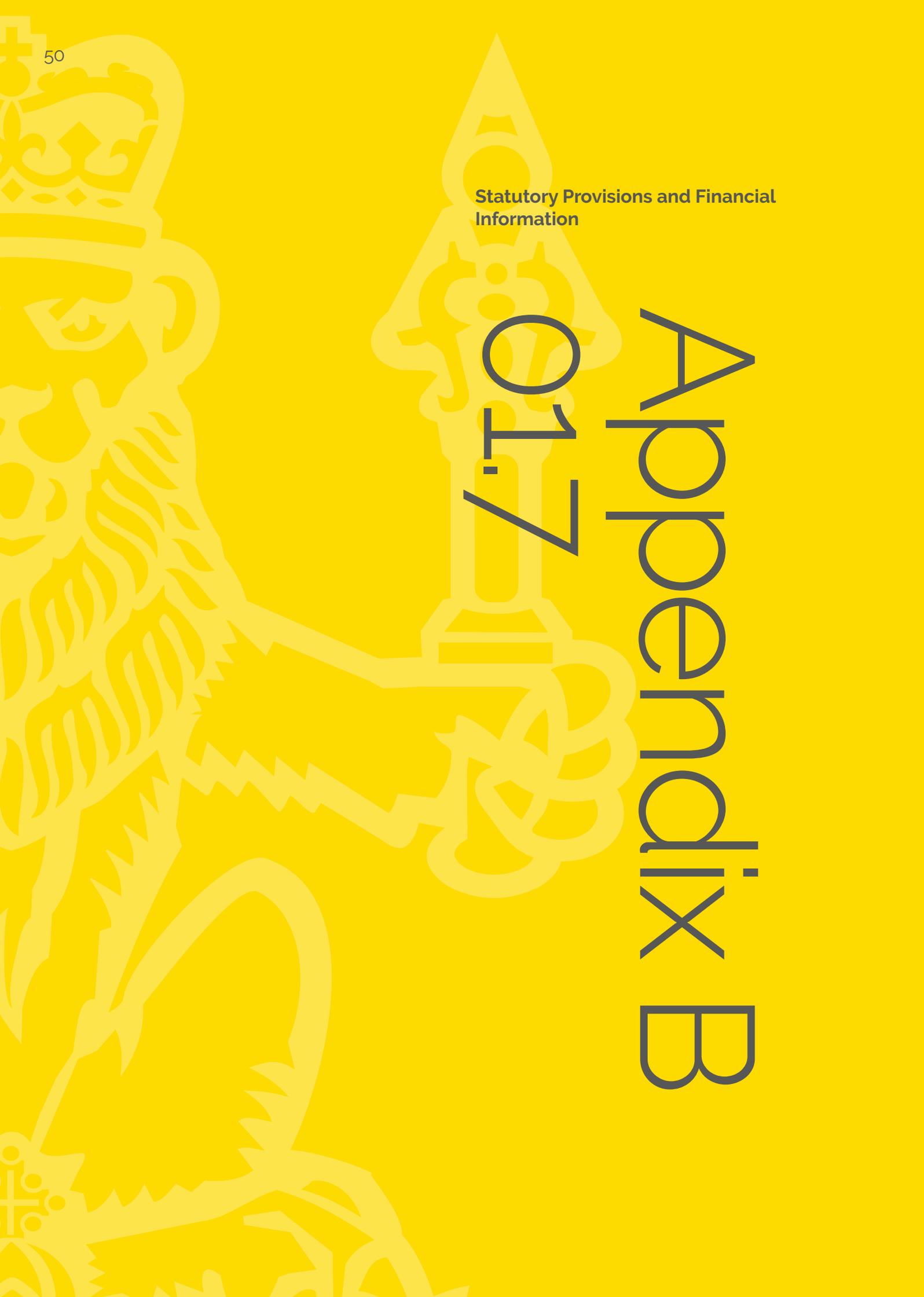
Discretionary Hearings



Statutory Provisions and Financial
Information

Appendix B

OT.17



**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 provision for 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:
 - (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 the period of 5 years beginning with the date of appointment as 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.
 - (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 2023 - 24 were as follows:

	1/4/23 - 31/3/24
Chair	£522.92
Legal Member	£346.92
General Member	£226.92
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 2023 - 24 was £3,924,000 made up as follows:

Members Fees, Staff Salaries and Travel/Subsistence	£3,105,000
Legal Costs	£175,000
Other including new casework management system	£644,000

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 2023 - 24 reveals that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2023 - 24 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	8/6/23 - 18/1/24
Softcat Plc	£273,222.89
Softcat Plc	£63,000.00
Sopra Steria Limited	£34,208.47
Sopra Steria Limited	£34,645.25
Sopra Steria Limited	£38,374.61
Softcat Plc	£47,251.84
Employees/Members earning in excess of £150,000	Nil

The Parole Board for Scotland continues to be committed to providing an effective and efficient method of service delivery.

Further information on how the Board has changed its standard operating procedures using information technology and revised business processes is contained in the Progress Report section of this report. The Board's Management Group will continue to look for further opportunities to drive out efficiencies and savings.

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