

The Parole Board for Scotland

**Annual Report
2012-13**

The Parole Board
for Scotland

Annual Report 2012-13

The Parole Board for Scotland

Annual Report 2012-13

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

Laid before the Scottish Parliament by the Scottish Ministers.

December 2013

© Crown copyright 2013

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

APS Group Scotland
DPPAS14924 (12/13)

Published by The Parole Board for Scotland, December 2013



Foreword

I am pleased to be able to present this, my first, Annual Report on the work of the Parole Board for Scotland.

The report shows a drop in the number of cases dealt with by the Board but, as in previous years, also shows the still considerable volume of work dealt with by the relatively small number of individuals who comprise the Board. The work which they undertake needs to be of the highest standard and involves difficult and complex decisions which have a direct bearing on the safety of communities across Scotland. The work of the Board can, and does, also have an important role to play in assisting with the rehabilitation of offenders to return to their communities as law-abiding citizens. All of the Board's decisions have to be taken, however, with the only consideration being whether the risk is acceptable and manageable.



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, many are unable to make the necessary change or to sustain change 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. This is a matter to which members bring huge amounts of experience and expertise from their varying backgrounds. I believe that Scotland's communities can feel assured that their best interests underpin the decisions which Board members take day in and day out but always with great care.

I would like to take this opportunity to acknowledge the work of my predecessor, Sandy Cameron, who was the Chairman of the Board until 31 December 2012, and to thank not only my fellow members and all of the hard working staff in the Parole Board Executive 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 information and for support to inform the decisions which we take.

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

John Watt
Chairman

Contents

	Page
Chapter 1 The Year's Work	8
Chapter 2 Board Membership, Meetings and Visits	17
Chapter 3 Efficiency	19
Appendices	
A. Time Spent in Custody by Persons First Released from Life Sentences	21
B. Statutory Provisions and Financial Information	22

Membership of the Parole Board for Scotland 2012-13

Professor Alexander Cameron CBE (until 31 December 2012)	Chairman, former Executive Director of Social Work, South Lanarkshire Council
Mr John Watt (from 1 January 2013)	Chairman, Solicitor & former Area Procurator Fiscal
Ms Heather Baillie	Vice Chair, Solicitor
Mr George Keith Carruthers	Former Deputy Divisional Commander, Strathclyde Police
Mr Francis Chalmers	Former Senior Practitioner in Criminal Justice Social Work Services
Ms Valerie Cox	Retired Civil Servant
Mrs Gillian Crompton	Solicitor
Dr Wilma Dickson	Retired Civil Servant
Sheriff Brian Donald	Part-Time Sheriff
Mr Michael Duffy	Former Governor, Scottish Prison Service
Sheriff Gordon Fleetwood	Part-Time Sheriff
Professor Elizabeth Gilchrist	Forensic Psychologist
Mr Christopher Hawkes	Former Chief Officer, Lothian and Borders Community Justice Authority
Mr Andrew Jones	Media Consultant
Mr John McCaig	Former Deputy Chief Inspector of Prisons
Mr Fred McKerchar (until 31 October 2012)	Former Governor, Scottish Prison Service
Ms Morag McLaughlin	Solicitor, former Area Procurator Fiscal
Mr Jack McVey	Operations Director – British Red Cross
Mr David Martin	Former Assistant Chief Constable, Strathclyde Police
Mr Charles Milne	Solicitor
Ms Joan Morrison	Solicitor
Mrs Elaine Noad (until 31 October 2012)	Former Director of Social Work and Housing
Professor David O'Donnell	Solicitor

Mr David Pia	Retired Civil Servant
Mr Terry Powell	Former Divisional Commander, East and Mid Lothian Police
Mrs Catherine Smith	Principal Officer (Criminal Justice) Glasgow City Council Social Work Services
Mrs Gillian Stanage	Retired Children's Reporter
Mr David Stewart	Retired Civil Servant
Sheriff Charles Stoddart	Retired Sheriff
The Hon Lord Turnbull	Senator of the College of Justice
Dr David Will	Psychiatrist

About the Parole Board

The Parole Board for Scotland is a Tribunal Non Departmental Public Body. The Board, which has been in existence for more than 40 years, is a judicial body that is independent of the Scottish Government and impartial in its duties. Its main aim is to ensure that those prisoners who are no longer regarded as presenting a risk to public safety 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 the 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 is deemed to be manageable. This decision is informed by a number of factors including the evaluation of risk assessments.

Types of Sentence

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

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

Short Term Determinate Sentence Prisoners

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

Long Term Determinate Sentence Prisoners

For prisoners serving determinate sentences of four years or more, the Parole Board is invited to recommend to Scottish Ministers whether or not they 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 release on parole is not recommended then the Board will reconsider the prisoner's case on the anniversary of the Board's consideration provided that there is 16 months or more before they reach their Earliest Date of Liberation (the two thirds point of their sentence) at which point the Scottish Ministers are statutorily required to release the prisoner into the community on a "non-parole" licence.

The Board sets the licence conditions for all long term determinate sentence prisoners. In practice if there is less than 16 months to serve between the Board's consideration of a case and the Earliest Date of Liberation (EDL), the Board will set the licence conditions at that point, although this does not preclude a further referral nearer to the EDL if Scottish Ministers consider that there are reasons why the licence conditions may need to be changed. Requests to change licence conditions can be made at any point over the course of the licence period but there should be good grounds for doing so. Such requests are considered at casework meetings of the Board or by a quorum.

Extended Sentence Prisoners

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

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

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

Life Sentence Prisoners

Life sentence prisoners are reviewed, at the end of the punishment part of their sentence, for possible release on life licence by the Board, sitting as a Life Prisoner Tribunal. This is an oral hearing chaired by a legally qualified member of the Board and two other Board members. The prisoner and, usually, their legal representative will attend, as will Scottish Ministers, either in the form of an Official from the Scottish Government Parole Unit or a Representative from the Scottish Prison Service, or both.

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 in reaching its decision as to whether the degree of risk posed is such that the prisoner can be returned to the community under licence conditions.

Recall of Prisoners for Breach of Licence

Where a prisoner has been released on licence and a licence condition is breached the prisoner may be liable to be recalled to custody by Scottish Ministers or the Board.

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

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

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

Other Post Release Considerations

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

Re-release following Recall

For those cases where a prisoner has been recalled to custody, the Board is required to consider their suitability for re-release. The prisoner will be given the opportunity to make representations on the reasons given for their recall and the Board is required to determine if they should remain in custody.

The way in which the Board deals with these cases depends on the sentence type. For re-release of short term sex offenders (STSO) or long term determinate sentence prisoners, the Board will consider these cases at a casework meeting. The Board is required to consider if it is in the interests of fairness that an oral hearing (not a Tribunal) be held. A different panel of the Board considers re-release from the panel which considered an individual's recall to ensure fairness.

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

For re-release of extended sentence prisoners, a Tribunal of the Board requires to be held if the prisoner is recalled to custody during the extension period of the sentence. This provides for the prisoner and their legal representative to present his case to the Board orally. Scottish Ministers will also be represented in some cases. 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.

Chapter 1: The Year's Work

The tables below provide statistical details of the various cases considered by the Board during the period 1 April 2012 – 31 March 2013.

Determinate Sentence Prisoners – 1st review for early release

Number recommended for parole by the Board	98
Number recommended for parole from a forward date by the Board	35
Number not recommended by the Board but due a further review	28
Number not recommended by the Board but granted an early review	23
Number not recommended by the Board and licence conditions set	187
Number of cases deferred for further information	7
Total	378

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

Number recommended for parole by the Board	10
Number recommended for parole from a forward date by the Board	4
Number not recommended by the Board but due a further review	4
Number not recommended by the Board but granted an early review	1
Number not recommended by the Board and licence conditions set	30
Number of cases deferred for further information	2
Total	51

Determinate Sentence Prisoners – review for early release following recall

Number recommended for parole by the Board	7
Number not recommended by the Board	58
Number of cases deferred for further information	3
Total	68

Determinate Sentence Prisoners – other considerations

Request to transfer supervision authority	2
Request to terminate supervision	0
Number of cases deferred for further information	0
Total	2

Determinate Sentence Prisoners – adverse development

Recommendation for early release on parole withdrawn	10
Recommendation for early release on parole upheld	5
Number of cases deferred for further information	1
Total	16

Extended Sentence Prisoners – review for early release

Number recommended for parole by the Board	8
Number recommended for parole from a forward date by the Board	7
Number not recommended by the Board but due a further review	28
Number not recommended by the Board but granted an early review	6
Number not recommended by the Board and licence conditions set	40
Referral for licence conditions only	45
Number of cases deferred for further information	8
Total	142

Life Prisoners

Number referred to the Board for consideration	209
Number brought forward from 2011-12	23
Total	232
Number where release directed	40
Number not recommended for release	148
Number who died before case considered	1
Number of prisoners who received a further sentence	4
Number of cases postponed or adjourned	31
Number not yet referred to Tribunals	8

Order for Lifelong Restrictions Prisoners (OLRs)

Number referred to the Board for consideration	6
Total	6
Number where release directed	0

Extended Sentence Prisoners – consideration for re-release

Number referred to the Board for consideration	167
Number brought forward from 2011-12	15
Total	182
Number where release directed	27
Number not recommended for release	124
Number who died before case considered	0
Number of prisoners who received a further sentence	3
Number of cases postponed or adjourned	23
Number not yet referred to Tribunals	5

Life Prisoners – other considerations

Request to transfer supervision authority	1
Request to terminate supervision	15
Request for an earlier hearing by a Life Prisoner Tribunal	6
Amendment to life licence conditions	0
Number of cases deferred for further information	0
Total	22

Miscellaneous

“Non-Parole” Licences	33
Children and Young People	22
Home Detention Curfew (HDC) licence	86
Short term sex offenders	25

Determinate Sentence Prisoners

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

During the course of 2012-13, the Scottish Government advised that there were a total of 476 cases eligible for consideration of early release. Of these, 423 cases were referred to meetings of the Board for consideration. Legislation changed during the course of this year so prisoners are no longer entitled to an interview with a Parole Board member prior to their case being considered. Two hundred interviews were carried out in the course of the year and the last interview took place on 12 September 2012. Fifty-three prisoners chose to self-reject from the parole process in which case no further consideration was made by the Board other than to set licence conditions at the appropriate time.

The Board recommended that 169 prisoners or 40% of those referred during 2012-13 be released on parole.

In addition, the Board gave further consideration to 16 cases where the prisoner had been granted parole, but where a report of an adverse development was referred to the Board before the prisoner’s release date. Of these, 10 had their parole release date withdrawn, in five cases the Board agreed that the release date should stand and the remaining case was deferred.

Of the cases recommended for release during 2012-13, 14 were being considered for a second or subsequent review.

Summary of Determinate Sentence Cases Where Release Recommended – by Offence

	Violence	Drugs	Sexual	Property	Other	Total
10 years or over	12	3	3	0	0	18
Under 10 years	65	51	7	4	24	151
Total	77	54	10	4	24	169

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

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

Year	2008-09	2009-10	2010-11	2011-12	2012-13
Eligible	696	617	670	678	476
Opting Out	69	27	64	71	53
%	9.9	3.9	9.5	10	11

“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. These licences expire at the sentence expiry date. The term “non-parole” licence is used to describe the non-discretionary period of supervision in the community.

During 2012-13 the Board recommended that conditions be attached to the licences of 187 prisoners who were not released on parole. A further 27 cases were rereferred to the Board to enable it to apply specific licence conditions to the offenders’ non-parole licences.

Extended Sentence Prisoners

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

During 2012-13, Scottish Ministers referred 45 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 consider the conditions to be attached to the prisoners’ release licences.

Life Sentence Prisoners

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

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

A person who holds or has held judicial office; or

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

During 2012-13, the Scottish Ministers referred to the Board the cases of 209 life prisoners in order that Tribunals could determine whether or not the individuals concerned should be released on life licence. In addition, the Board was required to conclude the consideration of 23 cases that had been carried over from 2011-12.

Consideration of 232 cases took place in 2012-13. In 40 cases, the Tribunals directed Scottish Ministers to release the prisoner; Tribunals did not direct release in 148 cases but set a further review date; 31 cases were adjourned or postponed and eight cases will be convened in 2013-14.

The following table shows the number of Tribunals convened to consider the cases of life prisoners since 2008 and the outcome of these Tribunals.

	2008-09	2009-10	2010-11	2011-12	2012-13
Cases Referred	219	193	220	218	209
Cases Carried Over	62	52	43	24	23
Total Cases	284	245	263	242	232
Release Directed	52	55	48	43	40
Retain Release Date	None	None	None	None	None
Revised Release Date Awarded	None	None	None	None	None
Release Date Withdrawn	None	None	None	None	None
Number Who Died Before Case Considered	2	2	1	1	1
Further Review	157	135	173	146	148
Postponed or Adjourned	61	44	59	43	31
Cases yet to be Considered	63	46	37	11	8

Details of the period of years served by life prisoners prior to their first being released on life licence are given at Appendix A together with the corresponding information for preceding years. The table at Appendix A shows that the majority of those first released on licence during 2012-13 had spent more than 10 years in custody.

Orders for Lifelong Restriction Prisoners (OLRs)

During 2012-13, Scottish Ministers referred six Orders for Lifelong Restriction to the Board for consideration by Tribunal. Of those six considered, none was 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 2012-13 the cases of 22 children and young people sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 were referred to the Board. Only two of these cases were referred in order that the Board might consider whether or not it was appropriate that the individual be granted early release on licence.

The remaining 20 cases involved children and young people who were due to be released on licence and whose cases were referred in order that the Board might consider the conditions to be attached to their release licences.

A further eight cases were reported to the Board where children and young people sentenced under section 208 of the Act and released under section seven of the 1993 Act had breached the conditions of their licence. The Board recommended that 7 be recalled to custody and in the remaining case the Board agreed to issue the young person with a warning letter.

During the same period the Board considered the re-release of 12 young people, none of whom was granted re-release.

Compassionate Release

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

During 2012-13 Scottish Ministers referred one case to the Board so that it could provide advice on the prisoner's suitability for release on compassionate grounds.

Possible Grounds for Recall

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

Parole Licensees

During 2012-13, 26 licensees were reported to the Board for behaviour potentially constituting grounds for recall. The Board was obliged to give further consideration to these cases and determine whether to recommend that the individuals be recalled to custody, issued a warning letter, or the matter dealt with in another way.

Warning letters were issued to four licensees and 18 were recalled to custody. Further or amended conditions were attached to the licence of one individual and the remaining three cases were deferred. The Board subsequently re-released five licensees. The remainder were not released.

Non-Parole Licensees

During 2012-13 the Board was asked to consider the cases of 140 individuals who were the subject of "non-parole" licences (i.e. those released having served two-thirds of their sentence and those who were released on parole, but the discretionary period had expired) whose behaviour in the community was giving rise for concern.

Warning letters were issued to 23 licensees and 88 were recalled to custody. Further or amended conditions were attached to three licences and no action was taken in 21 cases. Of the remaining five cases, three were deferred and two were withdrawn.

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 2012-13 the Board held 12 oral hearings.

Extended Sentences

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

During 2012-13, Scottish Ministers referred 132 cases to the Board where the behaviour of the licensee was giving cause for concern. The Board recommended that 94 licensees be recalled to custody, 33 should be issued warning letters, no action was taken in one case and additional conditions were added to one licensee and one case withdrawn. The two remaining cases will be carried forward to 2013-14.

During the year, the Board convened 43 extended sentence prisoner tribunals for consideration of immediate re-release. Of these, 31 prisoners had been recalled by the Board at case work meetings; immediate re-release was directed in 6 cases and 25 were not re-released. In addition, the Scottish Ministers revoked the licences of 12 individuals; immediate re-release was directed in two cases and 10 were not re-released.

During 2012-13 the Board considered the cases of 87 extended sentence prisoners who were entitled to a further review following recall. These further reviews resulted in 17 of the offenders being re-released on licence and 70 were not re-released.

Legislation changed during the year to allow extended sentence prisoners who were not re-released to self-reject from a further review following recall. In 2012-13, 27 prisoners self-rejected from having a further review at a Tribunal.

Life Licensees

In the event of a life licensee being recalled to custody, Scottish Ministers are required to refer the case to the Board to consider whether it is necessary for the protection of the public that the prisoner shall continue to be confined. The case for re-release must be considered by a Tribunal of the Board. The Tribunal, if not recommending immediate re-release, must be satisfied that it is necessary for the protection of the public that the offender should continue to be confined.

During 2012-13 the Board considered the cases of 26 licensees who had allegedly breached the conditions of their licence or whose behaviour in the community was giving cause for concern.

The Board recommended that 16 licensees be recalled to custody. The Board subsequently released five of these individuals and 11 were not re-released. In addition, the Scottish Ministers referred to the Board the cases of six life prisoners where they had revoked the licences. Of these, one was re-released and five were not re-released.

Warning letters were issued to the remaining 10 licensees.

In addition, the Board was required to convene Tribunals to consider the cases of 23 life prisoners who had been recalled to custody in previous years. In six cases the Tribunals directed re-release on licence and in 17 cases the Tribunals of the Board did not direct re-release on life licence.

Home Detention Curfews (HDCs)

The Management of Offenders etc. (Scotland) Act 2005 provided for the introduction of Home Detention Curfews (HDCs) in Scotland. HDC is a package of measures contained in that Act designed to co-ordinate and manage offenders more effectively in the community and to reduce the risk of re-offending. HDCs are designed to allow selected low risk prisoners the opportunity to serve the last part of the custodial component of their sentence in the community. HDCs for those prisoners serving short term sentences of less than four years were introduced with effect from 3 July 2006. On 21 March 2008, the maximum duration of HDC was extended from 4½ months to six months and the scheme was also extended to long term prisoners (those sentenced to four or more years in custody) in cases where the Parole Board has recommended release on parole at the parole qualifying date (i.e. the half way stage of their sentence).

The decision to grant an HDC rests with the Scottish Prison Service. A risk assessment is undertaken, which includes a report from local authority criminal justice social workers. The HDC licence includes the standard conditions, a curfew condition and any non-standard licence conditions considered appropriate by the Scottish Prison Service and the local authority criminal justice social workers.

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

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

During 2012-13 the Board considered the cases of 86 prisoners who had been released on HDC licences and who had subsequently been returned to custody. In 20 cases the Board upheld the prisoner's grounds for appeal and directed Scottish Ministers to cancel the revocation of the licences. In 63 cases the Board refused the appeal, the remaining three cases were deferred.

Sexual Offenders Sentenced to Short Term Determinate Sentences

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

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

During 2012-13, Scottish Ministers referred 25 cases to the Board where the behaviour of licensees had given cause for concern. In 14 cases, the Board recommended that the offenders be recalled to custody, four cases received warning letters and the remaining case was deferred for further information and one case was withdrawn. Of the 19 cases recalled, which includes five cases by Scottish Ministers, immediate re-release was refused in 14 cases and recommended in three cases: two cases were withdrawn.

Chapter 2: Board Membership, Meetings and Visits

Board Meetings

2012-13 was the 45th year of the operation of the parole system in Scotland. During this period the Board met on 47 occasions to consider the cases of prisoners and licensees referred by Scottish Ministers. The Board also concluded 232 Life Prisoner Tribunals, 182 Extended Sentence Tribunals and 12 Oral Hearings during the year. In addition, the Board held two General Purposes Meetings, an Annual Conference and three Corporate Governance meetings.

Board Membership

The membership of the Board during 2012-13 is shown on page 3. During this period the terms of appointment of Elaine Noad and Fred McKerchar came to an end.

Visitors

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

General Purposes Meetings

The Board held two General Purposes Meetings during the year. At these meetings the members of the Board discussed or were brought up to date on matters such as internal procedures for dealing with casework of the Board, revised legislation and corporate governance arrangements.

Corporate Governance Group

The remit of the Corporate Governance Group (CGG) is to ensure that the Board has in place strategies and policies for good corporate governance to support and equip members in their collective and individual responsibilities to discharge the Board's statutory functions and to report to the Board for approval and agreement to implement such strategies and policies.

CGG members during 2012-2013 were:

Professor Sandy Cameron – Board Chairman (until 31 December 2012)
Mr John Watt – Board Chairman (from 1 January 2013)
Ms Heather Baillie – Board Vice Chair
Mr Andrew Jones – Board Member
Mr John McCaig – Board Member
Mr David Pia – Board Member
Mr Terry Powell – Board Member
Mrs Angela McArthur – Chief Executive

The CGG met on three occasions during 2012-2013 and discussed a wide range of high level corporate matters including Annual Conference; Annual Report; business planning; financial monitoring; risk register; training and performance management; and the Board's website.

Parole Board Conference

The Board held its 20th Annual Conference on 21 and 22 November 2012 at Kinross. The Conference provides the members with the opportunity to gather to discuss in-depth matters relating to the work of the Board. Presentations were given by Duncan Hill, Specialist Pharmacist in Substance Misuse at NHS Lanarkshire; Liz Coates & Ian McIntosh, Social Work Department; Claire Lightowler & Fergus McNeill, Institute for Research and Innovation in Social Services (IRISS); and Sir Harry Burns, Chief Medical Officer.

Parole Board Website

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

Chapter 3: Efficiency

In its last Corporate Plan the Board set specific performance measures and objectives designed to monitor the Board's effectiveness in dealing with cases referred to it by Scottish Ministers. These were:

Determinate Sentence Prisoners

The Board will endeavour to ensure that no less than 85% of interviews are conducted within five weeks of a determinate sentence prisoner's case being referred to the Board.

Prisoners interviewed in 2012-13	200
Target met or exceeded	180 (90%)

Determinate Sentence and Extended Sentence Prisoners

The Board will endeavour to ensure that 85% of determinate, and extended sentence prisoners will have their case considered at a meeting of the Board within nine weeks of the case being referred to the Board by Scottish Ministers.

Cases to meetings in 2012-13	657
Target met or exceeded	585 (89%)

Notwithstanding this figure almost all cases were considered prior to the prisoner's date of release.

Life Prisoners

(1) Unless the prisoner, his legal agent or Scottish Ministers request a postponement, the first review of a life prisoner's case will be heard by a Tribunal within three days of the expiry of the punishment part set by the judiciary.

The Board met this target in 23 out of 26 cases (88%).

(2) Unless the prisoner, his legal agent or Scottish Ministers request a postponement, all second or subsequent reviews of a life prisoner's case will be heard by a Tribunal within eight weeks of the case being referred to the Board.

The Board met this target in 122 out of 145 cases (84%).

(3) That the Tribunal will issue its decision letter within 14 days of the end of the Tribunal hearing. Following amendments to legislation in June 2012, this changed to 10 working days.

With the exception of one case, the Board met this target.

Cost Effectiveness

The Board recognises the need to have due regard to economy and cost effectiveness in carrying out its functions. Examination of the costs incurred by the Board during 2012-13 reveals that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2012-13 for life prisoners and extended sentence prisoners is £930. The average cost of considering a case at a meeting of the Board is £150.

The average cost to carry out these functions includes members' fees; and their travel and subsistence costs.

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

Parole Board for Scotland
Saughton House
Edinburgh
December 2013

Appendix A: Time Spent in Custody by Persons First Released from Life Sentences

Year of Release	Years Detained in Custody									Total
	Under 7	7 – 8	8 – 9	9 – 10	10 – 11	11 – 12	12 – 13	13 – 14	Over 14	
1970	-	-	-	1	1	1	-	-	-	3
1971	-	-	1	2	-	-	-	-	-	3
1972	-	-	1	-	2	-	-	-	-	3
1973	-	1	1	1	2	-	-	-	1	6
1974	-	-	2	5	1	1	1	-	-	10
1975	-	1	4	6	3	1	-	-	-	15
1976	-	1	6	5	5	1	-	-	-	18
1977	-	-	2	4	5	1	1	1	1	15
1978	-	-	5	4	1	2	-	-	1	13
1979	1	1	2	5	6	2	2	1	1	21
1980	-	-	3	4	6	4	5	3	-	25
1981	-	1	7	20	4	4	4	1	-	41
1982	1	-	-	9	10	1	3	2	3	29
1983	2	3	4	14	11	2	-	-	2	38
1984	1	-	1	5	6	1	-	-	1	15 ¹
1985	1	1	5	4	6	4	1	-	1	23
1986	-	2	4	3	8	2	5	-	-	24
1987	-	-	1	4	6	2	-	1	1	15
1988	-	-	-	-	5	3	1	1	1	11
1989	-	-	-	2	2	4	8	5	4	25
1990	-	-	-	3	7	6	4	2	4	26
1991	-	-	-	1	5	4	2	1	10	23
1992	-	-	-	3	4	3	6	2	5	23
1993	-	-	-	5	8	7	3	1	10	34
1994	-	-	-	2	-	9	1	2	4	18
1995	-	-	-	-	2	6	7	7	4	26
1996	-	-	-	1	4	2	5	3	3	18
1997	-	-	-	-	2	2	2	4	8	18
1998	-	-	-	1	2	1	4	1	7	16
1999	-	-	-	1	2	-	-	-	7	10
2000	-	-	1	2	2	3	2	1	6	17
2001	-	-	-	2	3	2	3	4	14	28
2002	-	-	2	1	7	5	3	5	36	59
2003	2	2	3	4	6	4	3	2	25	51
2004	2	3	1	4	4	1	4	1	8	28
2005	-	1	1	-	3	5	1	2	9	22
2006	1	2	1	2	4	2	1	1	8	22
2007-08	-	3	2	2	4	5	10	3	15	44
2008-09	-	1	1	5	1	3	3	6	11	31
2009-10	-	-	1	1	3	4	7	7	16	39
2010-11	-	1 ⁴	-	3	5	4	1	5	11 ¹	30
2011-12	-	1	-	1	1	3	2	7	7 ²	22
2012-13	1	-	1	2	2	1	3	4	13	27
Total	12	25	63	144	171	118	108	86	258	985

Note 1 One prisoner was released on a life licence on compassionate grounds after serving 3 years 5 months in custody.

Note 2 Of these 7 cases, 1 served 15-16 years, 1 served 18-19 years, 3 served 19-20 years and 2 served over 20 years.

Note 3 Does not include those recalled to custody and subsequently re-released.

Note 4 2010/2011 Annual Report contained a typographical error. Correct figure is now shown.

Appendix B: Statutory Provisions and Financial Information

Ch9 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.
- 2E. A person may be reappointed to be a member of the Parole Board only if-
 - (a) three years or more have passed since the person ceased to be a member of the Parole Board; and
 - (b) the person has not previously been reappointed under paragraph 2E(a) above.

- 2F. A person whose membership of the Parole Board came to an end by resignation under paragraph 2B above may be reappointed under paragraph 2E above.
- 2G. A person whose membership of the Board came to an end on removal from office under paragraph 3 below shall not be reappointed.
- 2H. The provisions of paragraph 1 to 2D above apply to a reappointment under paragraph 2E above as they apply to an appointment.

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 1 of the 1989 Act and Schedule 2 of the 1993 Act, members of the Parole Board for Scotland may receive sessional fees for attendance at Board meetings; and they may also be paid a full fee or part of a fee for undertaking other business of the Board, the sessional rates payable to each category of member in 2012-13 were as follows:

Chairman	£360
Legal Member	£303
Psychiatrist	£303
General Member	£195

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

3. The Board's expenditure during 2012-13 was £1,172,083 made up as follows:

Members Fees, Staff Salaries and Travel/Subsistence	£1,117,345
Legal Costs	£15,723
Other	£39,015
Total	£1,172,083

Judicial Review – Compensation Payments

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

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

t. 0131 244 8373
f. 0131 244 6974

www.scottishparoleboard.gov.uk