

# The Parole Board for Scotland

**Annual Report  
2008-09**

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for Scotland

Annual Report 2008



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## **Annual Report 2008-09**

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 2009

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## Foreword

I am pleased to present this report on the work of the Parole Board for Scotland during the year 2008 – 2009. The statistics contained within the report show the continuing high level of work which the Board deals with during the course of a year and I am grateful to the members of the Board who put a great deal of hard work and time into dealing with these difficult decisions which are vital to the safety of our communities across Scotland. Members are public appointees who are paid on a daily fee basis in respect of the casework they undertake. They devote a considerable amount of personal time in preparation for meetings and tribunals to ensure that they have given the fullest consideration to all of the factors which contribute to our decisions about the degree of risk which each offender may pose. This is important not just in terms of community safety but also to the interests of victims and importantly to ensuring that each offender referred to the Board is given full and fair consideration. During the course of this year a number of members reached the end of their appointments and others left to pursue other interests. They each brought considerable expertise and commitment to our work and I am grateful for that and wish them well for the future. Details of these changes along with the new members we welcomed to the Board are noted at page 17 of the Report.



Measuring the effectiveness of our decisions is challenging without a long term outcomes study however the number of prisoners who had been granted parole and then subsequently referred back to the Board for consideration for recall to custody is very small at 12 compared to the 212 who had been released on non parole licence as required by law at the two thirds point of their sentence and then subsequently referred for consideration for recall. This follows the pattern of previous years and indicates that, in the main, our decisions to grant parole are sound in that it is a small number of those cases which give cause for concern whereas those offenders who have been causing concern in custody to the extent that they are not granted parole seem to be much more likely to give cause for concern after being returned to the community. In all cases the Board sets licence conditions which are individually designed to assist with the management of the risk factors. Compliance with these conditions is not optional but is an obligation on the offender in return for the privilege of being allowed to serve part of their sentence in the community. It has been interpreted by some that the only condition on which offenders should be recalled is if they commit a further offence. This is however a misunderstanding of the requirements placed on offenders to comply with all aspects of their licence. The licence conditions also give a basis for supervising officers in the community to focus the attention of the offender on those behaviours which may put them and others at risk. In granting parole or in setting licence conditions the Board hopes that each individual offender will be able to grasp the opportunity with the support and guidance of their supervising officer to resettle successfully into the community. We do however recognise the considerable challenge this poses and are therefore reassured and pleased when we see offenders successfully completing their period on licence having established a stable and offence free lifestyle for themselves and their family.

During the course of this year the Board continued to operate under the pressure of a historical backlog of Life Prisoner tribunals which resulted in a failure to meet the performance targets. During the course of the year members were consistently making every effort to catch up with the backlog and were well on course by the end of the reporting year to have it cleared. I am confident that in my next report this situation will have been resolved. It is nonetheless regrettable that the Board was not able to keep pace with demand with the resources available to it.

This year has seen the introduction of a structure for corporate governance within the Board. This has not been a feature of the way in which the Board operated for its first 40 years but represented a significant gap which needed to be addressed in any modern public body. A small Corporate Governance Group has therefore been established on which members will serve for two years and which will have oversight of all aspects of governance on behalf of the Board. I am grateful to all those both within the Board and externally who contributed to the development of our thinking around this issue. We will doubtless learn as we develop our experience of this and make changes to our ways of working in the light of that experience.

Finally I would wish to thank the small hard working team of staff we have in the Parole Board Executive for their efforts to keep the work flowing smoothly for members. The Parole Board office is extremely busy and works under the constant demand of dealing with vast amounts of paper and ensuring that timescales are adhered to. The fact that we are able to work effectively is a tribute to the expertise of our staff.



**Sandy Cameron**  
Chairman

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## Membership of the Parole Board for Scotland 2008-09

Professor Alexander Cameron CBE	Chairman, former Executive Director of Social Work, South Lanarkshire Council
Sheriff Fiona Reith QC	Vice Chairman, Sheriff, Edinburgh
Sheriff Paul Arthurson (from 2 June 2008)	Sheriff
Ms Heather Baillie	Solicitor
Ms Lyndy Boyd	Solicitor
The Hon Lord Bracadale	Senator of the College of Justice
Mr Francis Brown	Consultant in Health & Social Care
Mr Niall Campbell (until 31 March 2009)	Retired Civil Servant
Mrs Anne Carpenter	Psychologist
Mr George Keith Carruthers	Former Deputy Divisional Commander, Strathclyde Police
Sheriff Brian Donald	Part-Time Sheriff
Mrs Corinne France (until 31 March 2009)	Former Senior Manager, Social Services Children and Families
Ms Jeane Freeman	Criminologist
Dr Geraldine Gallagher (until 31 March 2009)	MAPPA Co-ordinator
Mr Andrew Jones	Media Consultant
Sheriff Brian Kearney	Former Sheriff
Ms Irene Kitson	Justice of the Peace
Mrs Josephine Knox (until 31 March 2009)	Social Work Consultant
Mr Howard Llewellyn	Barrister
Dr John Loudon OBE	Former Consultant Psychiatrist
Sheriff Principal John McInnes	Former Sheriff Principal
Mr Frederick McKerchar	Former Governor, Scottish Prison Service
Ms Kathleen McQuillan	Solicitor
Mr Charles Milne	Solicitor



Mrs Elaine Noad	Former Director of Social Work and Housing
Professor David O'Donnell	Solicitor
Mrs Moira Ramage (until 24 October 2008)	Solicitor
Dr Bruce Ritson	Former Consultant Psychiatrist
Sheriff Richard Scott (until 31 March 2009)	Former Sheriff
Mr David Stewart	Retired Civil Servant
Mrs Frances Stuart	Former Director of Social Work
Mrs Christine Vine	Solicitor

## 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 2008 – 31 March 2009.

### Determinate Sentence Prisoners – 1<sup>st</sup> Review for early release

Number recommended for parole by the Board	139
Number recommended for parole from a forward date by the Board	48
Number not recommended by the Board but due a further review	46
Number not recommended by the Board but granted an early review	42
Number not recommended by the Board and licence conditions set	135
Number of cases deferred for further information	42
Total	452

### Determinate Sentence Prisoners – 2<sup>nd</sup> or subsequent review for early release

Number recommended for parole by the Board	1
Number recommended for parole from a forward date by the Board	18
Number not recommended by the Board but due a further review	4
Number not recommended by the Board but granted an early review	3
Number not recommended by the Board and licence conditions set	43
Number of cases deferred for further information	12
Total	81

### Determinate Sentence Prisoners – Review for early release following recall

Number recommended for parole by the Board	21
Number not recommended by the Board	38
Number of cases deferred for further information	7
Total	66

### Determinate Sentence Prisoners – other considerations

Request to transfer supervision authority	23
Request to terminate supervision	6
Number of cases deferred for further information	1
Total	30

### Determinate Sentence Prisoners – adverse development

Recommendation for early release on parole withdrawn	11
Recommendation for early release on parole upheld	12
Number of cases deferred for further information	0
Total	23

### Extended Sentence Prisoners – Review for early release

Number recommended for parole by the Board	12
Number recommended for parole from a forward date by the Board	8
Number not recommended by the Board but due a further review	34
Number not recommended by the Board but granted an early review	11
Number not recommended by the Board and licence conditions set	52
Referral for licence conditions only	79
Number of cases deferred for further information	32
Total	228

### Life Prisoners

Number referred to the Board for consideration	219
Number brought forward from 2007-08	62
Total	281
Number where release directed	52
Number not recommended for release	157
Number who died before case considered	2
Number of prisoners who received a further sentence	7
Number of cases postponed or adjourned	61
Number not yet referred to Tribunals	63

### Extended Sentence Prisoners consideration for re-release

Number referred to the Board for consideration	197
Number brought forward from 2006	50
Total	247
Number where release directed	37
Number not recommended for release	117
Number who died before case considered	0
Number of prisoners who received a further sentence	23
Number of cases postponed or adjourned	95
Number not yet referred to Tribunals	70

### Life Prisoners – other considerations

Request to transfer supervision authority	11
Request to terminate supervision	20
Request for an earlier hearing by a Life Prisoner Tribunal	9
Amendment to life licence conditions	1
Number of cases deferred for further information	2
Total	43

### Miscellaneous

“Non-Parole” Licences	97
Children and Young Persons	39
HDC Licences	98
Short term sex offenders	15

## Determinate Sentence Prisoners

The Board has powers to direct the Scottish Ministers to direct the release of determinate sentence prisoners (i.e. prisoners serving 4 years or more) once they have served one half of their sentence and it may also make recommendations as to the licence conditions of such prisoners.

During the course of 2008-09, The Scottish Government advised that there were a total of 696 cases eligible for consideration of early release. Of these, 627 cases were referred to meetings of the Board for consideration. Each prisoner was provided with the opportunity of having an interview with a member of the Board. Sixty nine prisoners chose to self-reject from the parole process.

The Board recommended that 227 prisoners or 36% of those referred during 2008-09 be released on parole.

In addition the Board had to give further consideration to 23 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 23 cases, 11 had their parole release date withdrawn, and in 12 cases the Board agreed that the release date should stand.

19 of the cases recommended for release during 2008-09 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
<b>10 years or over</b>	8	4	1	0	0	<b>13</b>
<b>Under 10 Years</b>	101	86	11	5	11	<b>214</b>
<b>Total</b>	109	90	12	5	11	<b>227</b>

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

As can be seen from the following table, the proportion of prisoners eligible for consideration for parole who opt out of the process increased very slightly over the previous twelve month period.

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007-08	2008-09
Eligible	680	719	690	749	766	770	813	829	992	696
Opting out	46	63	43	58	60	67	49	75	98	69
%	6.8	8.8	6.2	7.7	7.8	8.7	6.0	9.1	9.8	9.9

### “Non Parole” Licences

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

Those prisoners sentenced to 4 years imprisonment or more on or after 1 October 1993 are automatically released on licence when they have served two thirds of their sentence in custody. These licences expire at the sentence end date. The term “non-parole” licence is used to describe the non-discretionary period of supervision in the community.

During 2008-09 the Board recommended that conditions be attached to the licences of 178 prisoners who were not released on parole. A further 14 cases were returned to the Board to enable it to apply specific licence conditions to the offenders’ non-parole licences.

### Extended Sentences

**Scottish Ministers consult the Parole Board about the conditions that are to be attached to the release licences of extended sentence prisoners where the combined custodial term and the extension period is 4 years or more, and where the “custody” part is less than 4 years.**

During 2008-09 the Scottish Ministers referred 79 cases to the Board where the courts had imposed extended sentences where the combined custodial term and the extension period totalled 4 years or more in order that the Board could consider which conditions should be attached to the prisoners’ release licences.

### Life Prisoners

**The Board has the powers to direct the 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 will only be 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 release on licence.**

A Tribunal consists of 3 members of the Parole Board for Scotland, 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 2008-09 the Scottish Ministers referred to the Board the cases of 219 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 also required to conclude the consideration of 62 cases that had been carried over from 2007-08.

Consideration of 209 cases were concluded in 2008-09. In 52 cases, the Tribunals directed the Scottish Ministers to release the prisoner. In 157 cases the Tribunals did not direct release, but set a further review date. 61 cases were adjourned or postponed and in 63 cases Tribunals will be convened in 2009-10. Two prisoners died before their case could be considered by Tribunals of the Board.

The following table shows the number of Tribunals convened to consider the cases of life prisoners since 1999 and the outcome of these Tribunals.

	1999	2000	2001	2002	2003	2004	2005	2006	2007-08	2008-09
<b>Cases Referred</b>	40	40	44	179	179	154	173	178	248	219
<b>Cases Carried Over</b>	None	None	3	2	33	38	35	34	77	62
<b>Total Cases</b>	40	40	47	181	212	192	208	212	325	281
<b>Release Directed</b>	12	10	9	53	55	33	38	32	75	52
<b>Retain Release Date</b>	None	None	None	2	1	None	None	None	None	None
<b>Revised Release Date Awarded</b>	None	None	None	2	None	None	None	None	None	None
<b>Release Date Withdrawn</b>	None	None	1	2	1	None	None	None	None	None
<b>Number who died before case considered</b>	None	None	None	None	None	None	None	2	1	2
<b>Further Review</b>	28	27	35	89	117	124	136	117	189	157
<b>Postponed or Adjourned</b>	None	3	2	9	6	9	12	7	52	61
<b>Cases yet to be Considered</b>	None	None	None	24	32	26	22	54	62	63

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. Table at Appendix A shows that the majority of those first released on licence during 2008-09 had spent more than 10 years in custody.

### Children and Young Persons

The Board has responsibility for considering the case for early release of young people sentenced to 4 years or more under section 208 of the Criminal Procedure (Scotland) Act 1995 referred to it by the Scottish Ministers, and, in all cases, sets the conditions to be attached to the young person's release licence.

In 2008-09 the cases of 39 children and young persons sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 were referred to the Board. Only 1 of these cases were referred in order that the Board might consider whether or not it was appropriate that the individual be released on licence.

The remaining 38 cases involved children and young persons who were due to be released on licence and whose cases were referred in order that the Board might consider recommending that conditions be attached to their release licences. The Board recommended that conditions be attached to the licences in all of the cases.

A further 19 cases were reported to the Board where children and young persons sentenced under section 208 of the Act and released under section 7 of the 1993 Act had breached the conditions of their licence. The Board recommended that 15 be recalled to custody, and in 4 cases 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. Of the 12, 11 young people were not given immediate re-release and 1 case was released on the sentence end date.

### Possible Grounds for Recall

**The Board has the powers to recommend the recall to custody of determinate sentence prisoners serving sentences of 4 years imprisonment or more and life sentence prisoners who have been released on parole, non-parole licence or life licence in circumstances where such action is considered necessary in the public interest. 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 2008-09 a number of parolees 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, a warning letter sent or the matter dealt with in another way. There were 12 individual cases reported of parolees who had been released under section 1 (3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.

Warning letters were issued to 3 licensees, and 9 licensees were recalled to custody. The Board subsequently re-released 1 on licence. The remainder were not re-released.

### Non Parole Licensees

During 2008-09 the Board was asked to consider the cases of 212 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. The Board recommended that 150 of these licensees be recalled

to custody. In this reporting period, 29 prisoners were re-released, 152 were not re-released and at the end of the year 22 cases were deferred for further information. Warning letters were issued to 52 licensees, further or amended conditions were attached to the licences of 3 individuals and no action was taken in 2 cases.

### Oral Hearings following recall

In the interests of fairness and justice the Board may convene an urgent hearing within the prison where the determinate 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 2008-09, the Board held 10 oral hearings.

### Extended Sentences

In the event of an extended sentence prisoner being recalled to custody, the 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. 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.

During 2008-09 the Scottish Ministers referred 77 cases to the Board where the behaviour of the licensee was giving cause for concern. The Board recommended that 57 licensees be recalled to custody. In 13 cases the Board recommended that warning letters be sent to the licensees and in 1 case no action was deemed necessary. 6 cases to be carried forward to 2009-10.

During the year, the Board convened 88 extended sentence prisoner tribunals. Of those, 53 prisoners had been recalled by the Board at case work meetings, immediate re-release was directed in 21 cases, and 32 were not re-released. In addition, the Scottish Ministers revoked the licences of 35 individuals; and immediate re-release was directed in 5 cases and 30 were not re-released.

During 2008-09 the Board considered the cases of 66 extended sentence prisoners who were entitled to a further review following recall. These further reviews resulted in 11 of the offenders being released on licence, and 55 were not released.

### Life Licensees

In the event of a life licensee being recalled to custody, the 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 is held in custody.

During 2008-09 the Board considered the cases of 27 persons previously released on life licence who had allegedly breached the conditions of their licence or whose behaviour in the community was giving cause for concern.



The Board recommended that 13 licensees be recalled to custody. The Board subsequently released 5 of these individuals and 8 were not re-released. In addition, the Scottish Ministers referred to the Board the cases of 5 life prisoners where they had revoked the licences. None of them were re-released.

Of the remaining 14 cases referred to the Board as possible grounds for recall, warning letters were issued to 13 licensees and in 1 case it was agreed that no action was necessary. Additional licence conditions were not added in 2 cases.

In addition the Board was required to convene Tribunals to consider the cases of 37 life prisoners who had been recalled to custody in previous years. In 9 cases the Tribunals directed re-release on licence and in 28 cases the Tribunals of the Board did not direct re-release on life licence.

### Home Detention Curfews

The Management of Offenders Etc (Scotland) Act 2005 provided for the introduction of Home Detention Curfews (HDC) 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 4 years were introduced with effect from 3 July 2006. On 21st March 2008, the maximum duration of HDC was extended from 4½ months to 6 months and the scheme was also extended to long term prisoners (those sentenced to 4 or more years in custody) in cases where the Parole Board has recommended release on parole at the parole qualifying date (ie 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. In practice the decision will be exercised on behalf of the 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 the Scottish Ministers. If such a prisoner does make written representations to the 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 the Scottish Ministers to cancel the revocation of the licence.

During 2008-09 the Board considered the cases of 98 prisoners who had been released on HDC licences and who had subsequently been returned to custody. In 49 cases the Board upheld the prisoner's grounds for appeal and directed the Scottish Ministers to cancel the revocation of the licences. In the other 38 cases the Board refused the appeal, and 11 cases were deferred for further information.

## 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 6 months or less than 4 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 the 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 2008-09 the Scottish Ministers referred 15 cases to the Board where the behaviour of licensees had given cause for concern. In 9 cases the Board recommended that the offenders be recalled to custody, 2 cases received warning letters, 2 cases were withdrawn on the sentence end date, in 1 there was no action and in the other case the Board did not recommend recall. Of the 9 cases recalled, 7 had their application for re-release refused.

## Chapter 2 - Board Membership Meetings and Visits

### Board Meetings

2008-09 was the 41st 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 the Scottish Ministers. The Board also concluded 209 Life Prisoner Tribunals, 154 Extended Sentence Tribunals and 10 oral hearings during the year. In addition the Board held two General Purposes Meetings and an Annual Conference.

### Board Membership

The membership of the Board during 2008-09 is shown at page 6. During this period Mr N Campbell, Mrs C France, Dr G Gallagher, Ms J Knox, Mrs M Ramage and Sheriff R Scott left the Board. During the course of the year Sheriff P Arthurson, Ms H Baillie, Sheriff B Donald and Sheriff B Kearney were appointed to the Board.

### 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 Criminal Justice Directorate; and a Senator 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 internal procedures for dealing with casework of the Board, revised legislation and corporate governance arrangements.

### Parole Board Conference

The Board held its fifteenth annual conference on 26<sup>th</sup> and 27<sup>th</sup> November 2008 at East Kilbride. 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 the Scottish Prison Service; Dr Lorraine Johnston, Consultant Forensic Clinical Psychologist; DCS John Carnochan, Violence Prevention Unit, Strathclyde Police; and the Cabinet Secretary for Justice Kenny MacAskill.

### 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 the Scottish Ministers. These were:

### Determinate Sentence Prisoners

**The Board will endeavour to ensure that no less than 85% of interviews are conducted within 5 weeks of a determinate sentence prisoner's case being referred to the Board.**

Prisoners interviewed in 2008-09	613
Target met or exceeded	581 (95%)

Notwithstanding this figure, all prisoners who wanted an interview were interviewed prior to the Board's consideration of the case.

**The Board will endeavour to ensure that 85% of determinate sentence prisoners have their case considered at a meeting of the Board within 9 weeks of the case being referred to the Board by the Scottish Government Criminal Justice Directorate.**

Cases to meetings in 2008-09	1070
Target met or exceeded	867 (81%)

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 the Scottish Ministers request a postponement, the first review of a life prisoner's case will be heard by a Tribunal within 3 days of the expiry of the punishment part set by the judiciary.**

The Board failed to meet this target in every case because sufficient legal member time was not available.

**(2) Unless the prisoner, his legal agent or the Scottish Ministers request a postponement, all second or subsequent reviews of a life prisoner's case will be heard by a Tribunal within 8 weeks of the case being referred to the Board.**

The Board met this target in 26 out of 145 cases (18%).

**(3) That the Tribunal will issue its decision letter within 14 days of the end of the Tribunal hearing.**

The Board met this target in all cases.

## 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 2008-09 reveal that the work of the Board continues to represent good value for money. The average cost of Tribunals convened in 2008-09 for life prisoners and extended sentence prisoners is £940. The average cost of considering a case at a meeting of the Board is £170. The average cost of conducting an interview is £110.

The Board wishes to thank the many individuals and agencies who continue to support the parole scheme for all their help and encouragement. The Board also wishes to thank the officials and staff of the Scottish Government Criminal 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 2009

## 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	
1968	-	-	-	3	1	-	-	-	-	4
1969	1	-	1	-	-	-	-	-	-	2
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 <sup>2</sup>
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	1	8	15
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 <sup>1</sup>	31
<b>Total</b>	<b>12</b>	<b>23</b>	<b>62</b>	<b>140</b>	<b>161</b>	<b>106</b>	<b>95</b>	<b>60</b>	<b>211</b>	<b>870<sup>2</sup></b>

Note 1 Of these 11 cases, 6 served 15 – 16 years, 3 served 16-17 years, and 2 served over 20 years.

Note 2 Does not include those recalled to custody and subsequently re-released.

## Appendix B

### Statutory Provisions

### 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 2008-09 were as follows:

Chairman	£355
Legal Member	£299
Psychiatrist	£299
Lay Member	£192

2. Members of the Board are also paid allowances for travelling and subsistence in accordance with prescribed scales.
3. The Board's expenditure during 2008/09 was £1,420,140 made up as follows:

Members Fees, Staff Salaries and Travel/Subsistence	£1,152,764
Legal Costs	£135,612
Other	£131,764
<b>Total</b>	<b>£1,420,140</b>





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