

Response ID ANON-FDHB-K2E9-F

Submitted to **Transforming Parole in Scotland**

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Questions on strengthening the voice of victims in the parole process

1 Do you think victims and their families should have a greater voice in the parole process?

Yes

If Yes, what more could be done to help victims and their families be heard? If No, why not?:

We believe that the role of victims should be strengthened in the parole process so that they can more directly inform the Parole Board's considerations and that the reasons for parole decisions are explained clearly, so victims can understand why a decision was reached.

It is important to be clear with victims about what areas of decision-making their representations can impact upon. Our members have supported victims, particularly victims of sexual crime, who feel obligated, at significant personal cost to themselves, to repeatedly submit representations as they feel that the onus is on them to keep the perpetrator in prison. In reality, our understanding is that victims' representations are primarily used in relation to parole licence conditions, rather than the actual decision about whether or not someone is to be released. It needs to be made clearer what role victim representations actually play, so that victims can make an informed choice about whether to participate in what can be a very stressful process, which can be repeated numerous times.

2 Do you think victims and their families should be entitled to attend parole hearings in person?

Yes

If Yes, what wider considerations would be necessary to manage this process, what support should be available and who should be responsible for providing that support? If No, why not?:

Victims and their families should be entitled to attend parole hearings, although we recognise that attending in person will not be appropriate for every victim.

We would like to see a clear protocol established where victims are provided with information around general and specialist support organisations very early in the process so that victims can be supported before, during and after attending parole hearings. Parole boards should be mindful that giving oral evidence at a hearing is likely to re-traumatise vulnerable victims.

3 Do you think there should be clear criteria on the kinds of information the Parole Board should consider in relation to the safety and welfare of victims and their families?

Yes

If Yes, in your view what should that criteria be? If No, why not?:

Measures to ensure safety of victims and witnesses must be clearly outlined on all available platforms – including the Parole Board website.

4 Do you think more could be done to strengthen the Parole Board's current use of licence conditions (including conditions to exclude individuals from certain areas, or from certain individuals)?

Yes

If Yes, what would the implications be of extending this and how could this be managed in the community? If No, why not?:

Conditions restricting an offender's movements or preventing them from doing something should be routinely considered. There are also conditions that require the offender to report to their probation officer to undertake a rehabilitation course. The conditions requested from victims across many victim organisations relate to exclusion zones e.g. can be a condition that the offender does not come into the area where the victim lives and/or one that prevents a perpetrator from attempting to make contact with the victim.

Exclusion zones are normally used to prevent further offending linked to a particular area, or to ensure the victim is not impacted in the course of their normal life. In England and Wales, the victim liaison officer helps victims decide what to ask for, including on how specific to be about the area. We would expect the victim to explain the reasons for the exclusion zone to the Parole Board to help balance the risk of the perpetrator against the needs of the victim, ensuring action taken is necessary and proportionate in all circumstances.

We expect that if there is information concerning behaviour relating to the offender and the safety of the victim that the key contact can share this with the Parole Board so they can update risk and make an informed decision based on the best up-to-date evidence.

We also consider that significant improvements require to be made in how these restrictions are communicated to victims. A number of our members have experience of supporting victims who have received letters informing them that the offender is being released, with no information at all about what restrictions are in place. This can cause considerable alarm and distress. It is our view that all standard communication in relation to parole should be reviewed. The Forum would be happy to assist with this.

5 Do you think that victims and their families should receive information on the reasons for the Parole Board's decisions in their case?

Yes

If Yes, what kind of information would be most helpful and how should that be provided? If No, why not?:

Victims would benefit from being shown evidence that any impact on their well-being (physical, psychological, emotional, financial) has been taken into account. This should include consideration of the original impact the offence had on the victim and the victims' family; the lasting impact of the offence since it was committed; and the impact that the offender's release would have on the victim, or those with close ties to the victim's family.

Information on the nature and outcome of any risk assessments which have been carried out prior to a decision to release an offender should be shared, as well as what factors have been taken into account in this risk assessment.

This should form part of a referral protocol for informing victims and witnesses and ensuring support for victims is in place at all points in the parole process. Victims should be consulted to gather views on how this information should be shared with them.

Questions on ensuring transparency

6 Should others be routinely entitled to attend parole hearings?

No

If Yes, who should be able to attend, in what circumstances and for what part of the proceedings? If No, why not?:

Maybe. It would depend on the nature of the offence and the situation of the victim if they were present at hearings. Care should be taken not to subject vulnerable witnesses to additional stress, for example, press attendance may not be in the best interests of vulnerable victims. If press were allowed to attend, restrictions should be considered to avoid adverse impact on victims.

7 Should information be routinely shared with others?

Yes

If Yes, what level of information should be shared or what more could be done? If No, why not?:

Maybe.

Sharing of information eg with other agencies such as health and social work may be beneficial.

8 Do you feel that some information regarding parole decisions should be published proactively?

Yes

If Yes, what level of information do you feel should be published? If No, why not?:

Information for victims to provide reassurance and clarity - so long as the information does not bring further risk.

9 Do you think the work of the Parole Board is sufficiently visible?

No

If Yes, why do you think that? If No, what more could be done?:

New streamlined website will help. Care should be taken to highlight the Victims Code to all victims, so they are clearly aware of their rights from the start and throughout the process.

Questions on Improving Support for Decision Making

10 Do you think that consideration should be given to widening the information available to the Parole Board by establishing a function to investigate and collate information from other bodies?

Yes

If Yes, who should provide that function and in what circumstances? If No, what other options are there to improve information gathering?:

An investigatory function could ensure that all information from a variety of sources is available to the Parole Board, so they are making informed decisions.

This should be carried out by staff with investigative expertise, to enable the function to be effective.

Questions on information for prisoners on the parole process

11 Do you think that prisoners currently receive the information they need to enable them to participate in the parole process?

Yes

If Yes, why do you think that? If No, what information or help do you consider should be provided to help prisoners understand the parole process and their licence conditions?:

We are not experienced in this field. However, there does need to be better prisoner preparation to limit adjournments and help the process to run more smoothly. Scottish Prison Service decisions should involve a clearer explanation of what a sentence means.

Prisoners should be prepared for release, so they fully understand the licence conditions recommended by the Parole Board and what it means if they are

recalled to custody.

12 Do you think that more could be done to make sure that prisoners understand their licence conditions and the consequences of breaching them?

Yes

If Yes, what do consider is the best approach to ensure prisoners understand the terms of their licence and who is best placed to provide information? If No, why not?:

Scottish Prison Service decisions should involve a clearer explanation of what a sentence means.

Prisoners should be prepared for release, so they fully understand the licence conditions recommended by the Parole Board and what it means if they are recalled to custody.

It would be useful to explain the legal language in licence conditions, by producing an explanation in clear, accessible language, which will be easily understood by prisoners but also by victims.

Questions on supervision, review and recall

13 Is there a requirement for an additional review process (at least initially)?

Yes

If Yes, who should carry out that review and what would you see as the advantages or disadvantages of an additional review? If No, why not?:

It would be prudent to review individuals on parole licence to ensure compliance with conditions, including additional review hearings, carried out by the Parole Board, to help ensure compliance with licence conditions in the initial months following release. This may also support criminal justice social work supervision as it would provide an opportunity for developing difficulties to be dealt with before they escalate.

14 In relation to revocation of licence and recall to custody. Do you consider social workers should be able to refer directly to the Parole Board?

Yes

If Yes, what are the implications of this change and how could this be managed? If No, why not?:

Yes, in addition to the police.

We are supportive if this proposed approach reduces the period of time an individual deemed to be an increased risk was at large in the community. However social workers on their own may not be able to protect vulnerable victims adequately where the breach was a result of the offender deliberately targeting the victim and breaching conditions intended to protect victims. Since time is critical in these situations, police must be able to respond immediately to such breaches through the arrest and detention of perpetrators who are then quickly transferred back to prison. Therefore, both police and Supervising Officer should be jointly tasked with responding together: the police for the immediate arrest of the perpetrator without warrant and the Supervising Officer to temporarily revoke the licence and recall the perpetrator to custody for consideration by the Parole Board.

These circumstances can be very alarming for victims. The information provided to victims when the prisoner is recalled should be reviewed. Currently, they are simply informed that he or she has been recalled, but are given no information as to why. They may then be asked to make representations about whether the offender should be released again. This puts them in an impossible position - how can they possibly comment when they have not been told why the offender was recalled? There is a fundamental issue that requires to be considered about whether victim representations are meaningful, or simply giving the appearance of a right which in practice, if not implemented properly, can actually cause further harm.

Questions on independence and governance

15 Do you agree that a transfer to the Scottish Tribunals would enhance the independence of the Parole Board?

No

If Yes, what do you consider the advantages and disadvantages would be with such a transfer? If No, Why not?:

Decisions taken by Parole Board Scotland are already independent of government, so undertaking a transfer could create an unnecessary and costly distraction from their main activity and business. We are unclear what the benefits of this move would be.

16 A review and appeal are available in the Scottish Tribunals. Do you consider these processes should be available for the Parole Board?

Yes

If Yes, what are the benefits of having these processes available? If No, why should these processes not be made available in the case of the Parole Board?:

The review process could be an opportunity to correct mistakes and quickly remedy them. We would like to see the victim's role strengthened in the review process. Victims should have the right to be involved in review and appeal processes.

About you

What is your name?

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What is your email address?

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Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Victims Organisations Collaboration Forum Scotland (VOCFS)

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: