

Voices in Justice Parole Reform in Scotland Analysis of consultation responses

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Note on terminology and abbreviations

Throughout this report the Parole Board for Scotland is referred to as ‘the Parole Board’ or, simply, ‘the Board’.

The ‘Parole Rules’ refer to the [Parole Board \(Scotland\) Rules 2022](#).

The term ‘individual with experience of custody’ refers to individuals who have spent time in prison.

The consultation document and consultation questions refer to an individual who has been subjected to a criminal offence as a ‘victim or survivor’ or ‘victim / survivor’. While it is recognised that many victims describe themselves as ‘survivors’, for the sake of brevity, this report uses the term ‘victims’ throughout, which is the term used in legislation.

In the report, ‘respondents of all types’ is used as a shorthand phrase to mean (i) organisations, (ii) individuals with no experience of custody, and (iii) individuals with experience of custody.

The following abbreviations are used at different points in this report:

OLR: Order for Lifelong Restriction – This is a sentence available only to the High Courts in Scotland for the future management and treatment of, serious sexual and violent offenders who may present a continuing danger to the public. An individual sentenced to an OLR will be subject to risk management for the rest of their life.

VNS: Victim Notification Scheme – This scheme, which is partly managed and administered by the Scottish Prison Service, provides the statutory basis on which victims can receive certain information about an offender. It is an opt-in scheme – that is, victims must choose to register, and the type of information they are entitled to receive depends on the length of sentence being served by the offender.

Executive summary

1. Between 20 August and 30 November 2025, the Scottish Government carried out a public consultation on reforming the parole system in Scotland. An independent analysis of the responses was undertaken and the main findings are summarised below.

The consultation and the approach to analysis

2. The consultation contained 42 questions focused on two main areas. Questions 1 to 14 focused on **transparency and communication** – i.e. how communication and access to information could be improved to enhance understanding, trust and wellbeing for victims, people in custody and others involved in the parole system. Questions 15 to 42 focused on the **parole process, licence conditions and recall** – i.e. how the parole system could better support rehabilitation, public safety, and fairness.

3. The consultation invited views from all those with an interest in the subject of parole. The consultation questionnaire was published on the Scottish Government website, and a simplified paper-and-pen version was made available for individuals in prison custody.

4. The analysis was based on 242 responses – 23 from organisations, and 219 from individuals. Organisational respondents included statutory justice bodies, public sector organisations providing local justice services, third sector victim support services, and prisoner support organisations. Responses were submitted by 125 individuals with experience of custody and 73 individuals with no experience of custody. In addition, there were 21 responses from a single campaign.

5. It should be noted that a range of data quality issues linked to the prison questionnaire (including apparent misunderstandings of the consultation questions and difficulties in interpreting the meaning of some comments) presented challenges for the analysis (see Chapter 2 in the main report for details). Because of this, the responses from those in custody are presented separately in each chapter of the main report. However, this summary provides an overview of all the responses to the consultation.

Overview of the findings

6. In general, respondents thought it was important that the parole system command the trust of the public, as well as the confidence of those directly involved in it in different capacities. They thought it should be fair, open, and transparent – something that many respondents did not think was currently the case. The parole system was described as ‘complex’ and not fully understood – by those who experience it themselves and their families; by victims and their families; and by the wider public and the media.

Transparency and communication

7. There was widespread agreement about the need for (i) a clear definition of the purpose of parole, and (ii) more detailed information about how the Parole Board makes its decisions. Although there was a lack of consensus about the amount of detail that should be made public in relation to individual Parole Board decisions, there was agreement about the importance of protecting the identities of the individuals involved in the parole

process (including victims, families, individuals in custody and Parole Board members) in any published information. In addition, there was broad agreement that any efforts to promote greater transparency should not involve giving the media and members of the public access to parole hearings.

8. Respondents generally thought that victims should be able to choose the way in which information about parole is conveyed to them (e.g. through letter, phone call, etc.). However, views were more mixed about the extent to which victims should have the right to be involved in the parole process. Respondents expressed some support for giving all victims the right to request to observe oral parole hearings but were less supportive of giving all victims an automatic right to attend hearings or give oral representations prior to hearings.

9. There was support from some respondents for the use of digital tools to increase awareness and understanding of parole, while other respondents favoured paper-based information or helplines to ensure access was available for everyone.

The parole process

10. There was a lack of consensus among respondents about whether there should be a single over-arching statutory test for release that would apply to all parole cases. However, there was general support for any test(s) to consider both risk and a person's readiness to reintegrate into the community. There was no clear view on the need for change to the factors that should be considered in making decisions on parole.

11. There was some support for the principle of introducing post-release progress hearings, but also some concern about the potential for such hearings to duplicate existing supervision arrangements in the community.

12. There was also support for exploring the development of a formal review / appeal process for parole decisions. Most commonly, respondents thought any appeal process should be available to the person in prison only (not to the victim). However, there were concerns that many parole decisions would be appealed and that this would lead to increased costs and delays in the parole system.

13. In cases where parole is refused, there was a lack of agreement about how long the individual concerned should have to wait to have their case reviewed. Most commonly, respondents thought the timescales should be flexible and determined on an individual (case-by-case) basis.

Licence conditions

14. Respondents generally thought there was a need to review and improve the current approach to licence conditions. In addition, they thought the language used in licence conditions should be made clearer and more accessible.

15. There was a lack of consensus about whether licence conditions are currently well designed to support rehabilitation and reintegration. Respondents often made the point that services and support in the community were just as important as (or more important than) licence conditions in promoting successful rehabilitation and reintegration.

Recall and re-release processes

16. There was a general view that the recall process should be reviewed, and that more options should be available to the Parole Board when considering recall requests. This included support for the introduction of progress hearings as an additional option in recall cases.

17. There was no clear view about whether the re-release process works well. However, in relation to the timeframe for re-release hearings, there was a general view that these should be held within two to four weeks of recall.

Specific perspectives on the topics discussed in the consultation

18. More broadly, across the consultation questions, distinctive perspectives were often voiced in the responses from (i) those with experience of custody (and their families and support organisations) and (ii) victims (and their families and support organisations):

- Individuals with experience of custody and their family / friends thought that getting parole – which was seen to be vital for rehabilitation and the reintegration of offenders into society – was difficult. They said (i) the conditions for getting parole were not clearly explained or understood, (ii) it was difficult to access the programmes and courses that might help people get parole, (iii) the parole system was too ‘risk averse’, and (iv) a more flexible and individualised approach was needed at all stages of the process.
- Victims, their family / friends and victim support organisations wanted the parole system to have a greater focus on the rights of victims, and to prioritise risk management and public safety over rehabilitation and reintegration. They said victims should (i) be kept informed about the parole process at every stage (if they wish to be), (ii) have the right to meaningfully participate in the process at key stages and (if necessary) be helped to do so, and (iii) have their views fully considered in parole decision-making, especially in cases involving gender-based violence and domestic abuse.

Key points in relation to consultation topics

19. Key points made in relation to each of the consultation topics are summarised below. Chapter references relate to the chapters in the main report.

A definition of the purpose of parole (Q1–2, Chapter 4)

20. There was widespread support for the introduction of a definition that states the purpose of parole. Respondents thought this would improve clarity and understanding, and enhance consistency, transparency and accountability across the system.

21. Public (and victim) protection and the rehabilitation and reintegration of offenders were seen as two key components of a definition of parole. Some respondents highlighted the need to strike a balance between these purposes. Some also thought that a definition of parole should include a description of what parole is, the principles that guide the system, and information about how the system operates.

Publishing Parole Board decisions (Q3-5, Chapter 5)

22. Among organisations and individuals with no experience of custody, there was a lack of consensus about whether summaries or full minutes should be published in relation to Parole Board decisions, although the most common view was that summaries are sufficient. Individuals with experience of custody thought it was crucial that the person being considered for parole had access to the full decision minutes.

23. There was general agreement that if decisions / summaries are published, they should be anonymised in some way – either fully (the most common view) or with all names and addresses removed. Respondents emphasised the importance of protecting the privacy, safety and security of all individuals involved.

24. There was strong support among respondents of all types for making more information available about how the Parole Board makes its decisions.

Information provision for victims (Q6–7, Chapter 6)

25. Respondents generally thought that victims should be able to choose how information relating to the parole process is communicated to them, and that information – in whichever format was chosen – should (i) be comprehensive, factual and clear, (ii) limit any emotional distress, and (iii) provide victims the opportunity to ask any questions.

26. A few individuals – usually those with experience of custody and the family / friends of a person in custody – thought victims should play no part in the parole process and should receive only very basic information or no information at all.

Hearing attendance and pre-hearing representations (Q8–11, Chapter 7)

27. Victim support organisations, victims and family / friends of victims were largely in favour of expanding the rights of victims in the parole hearing process, arguing that this would lead to greater inclusion, empowerment, equality and fairness for victims.

28. The views of other respondents in relation to Questions 8 to 11 were more complex. Organisations and individuals with no experience of custody expressed support for extending – to all victims – (i) the right to request to observe oral parole hearings and (ii) the right to make oral representations to the Parole Board ahead of a parole hearing. However, these respondents had reservations about (and were less supportive of) giving victims an automatic right to observe a hearing.

29. Individuals with experience of custody and family / friends of a person in custody were generally not in favour of extending the rights of victims in the parole process. These respondents expressed concerns that doing so could unfairly influence Parole Board decisions and compromise the privacy, safety and security of those involved in the hearing and their families.

Improving understanding of the parole process (Q12–14, Chapter 8)

30. For the most part, respondents of all types thought it was important that victims should have a clear understanding of the parole process, and be kept informed throughout – particularly in relation to Parole Board decisions about releasing an individual from prison and any licence conditions.

31. Organisations and individuals with no experience of custody thought the use of digital tools (such as videos and podcasts) could help to improve awareness and understanding of the parole process. Individuals with experience of custody were less certain about this because of a lack of knowledge / experience of such tools. These respondents were more likely to recommend use of leaflets, booklets, or helplines for victims.

32. Respondents suggested a range of ways to improve understanding of the parole process. One common suggestion was that the Parole Board should take a more active role in this, and that a more proactive communication strategy would help dispel misinformation around the parole system.

Test for release on parole (Q15–17, Chapter 9)

33. There was a lack of consensus about whether the current tests for release (which depend on sentence type and are focused on risk assessment) should be replaced by a single overarching statutory test for release. The most common view was that there should continue to be different tests depending on sentence type. All respondent types favoured a test (or tests) which included both risk and readiness to reintegrate but also thought risk should still be the priority concern. Individuals with experience of custody were more likely than other respondents to say that any test(s) for release should focus on readiness to reintegrate.

34. Respondents commonly called for a broader approach to understanding and assessing risk and deciding whether to grant parole. However, this meant different things to different respondents.

Progress review hearings (Q18–21, Chapter 10)

35. There was support, mainly from individuals (including those with experience of custody), for giving the Parole Board the power to hold post-release progress hearings. However, organisations were concerned that the introduction of such hearings would duplicate and undermine the role of justice social work.

36. Respondents were most in favour of the Parole Board being able to use post-release progress hearings to vary licence conditions (either making conditions stricter or relaxing them). There was less support for using the hearings as an opportunity to recall the person to custody.

37. There was a range of views about how long after release a progress hearing should be held and how frequent they should be. However, it was common for respondents to say that such hearings should only be held if needed, on a case-by-case basis, and / or that they should be held less often if a person is doing well.

Parole Board composition (Q22–23, Chapter 11)

38. There was a lack of consensus on whether the law should be changed to require certain professions or expertise to be represented on a Parole Board oral hearing panel.

39. Should such a requirement be introduced, respondents commonly suggested professions / expertise on the panel should include health professionals, psychologists, social workers, and legal professionals. Some respondents also suggested that panels

should include victims or victims' families (or groups representing their perspective) and those with experience of the parole system.

Factors considered in making parole decisions (Q24, Chapter 12)

40. There was no clear view on whether there should be any changes to the factors that should be considered in making decisions on parole. Respondents who endorsed the current factors (set out in legislation) considered that these were sensible and fair. However, some thought the Parole Rules should stipulate that the factors **must** be considered, rather than that they **may** be considered. Others said that further clarification was required on what was covered by the factors, the weight that should be attached to different factors, and how they should be evidenced.

41. Individuals with experience of custody mentioned three main things the Parole Board should think about when making decisions about release: engagement with rehabilitation and other opportunities while in custody; behaviour and conduct; and the circumstances which the person was likely to return to in the community.

Review and appeal (Q25, Chapter 13)

42. Most individuals – both those with and without experience of custody – thought that if a formal appeal process is introduced for parole decisions, it should be available for the person in prison only. There was a lack of consensus among organisations about who should be able to request a formal appeal of a parole decision.

43. Concerns were raised about the costs of introducing an appeal process – which respondents speculated would be taken up on a widespread basis.

Licence conditions (Q26–29, Chapter 14)

44. Respondents thought there was a need to review and improve the current approach to licence conditions. These were described as 'inflexible', 'unrealistic' and 'overly restrictive'.

45. There was a general consensus that licence conditions should be explained clearly to offenders due to be released and any others affected (including victims and families), tailored to each individual case, written in plain English, and reviewed regularly.

46. There was widespread agreement that there should be more – and more 'joined up' – services available in the community to assist and support rehabilitation and reintegration. Employment and skills development, housing, substance misuse, and mental health services in particular were highlighted as vitally important in this regard.

47. There was a recurring view among respondents of all types that too many individuals were recalled to prison for minor, or inadvertent breaches of their licence conditions.

Recall to custody (Q30–34, Chapter 15)

48. There was broad agreement among all respondent types that the Parole Board's current options when considering a recall request were limited and lacked flexibility. Respondents argued that many decisions to recall a person to prison are based on low tolerance of risk by public authorities and attitudes to those who offend.

49. Respondents thought additional options for the Parole Board in responding to a reported breach in licence conditions should include (i) providing increased support, (ii) giving people on parole a chance to explain and put things right, and (iii) introducing additional restrictions on liberty in the community – instead of recalling people to prison.

50. Victims, family / friends of victims and victim support organisations thought that any decisions regarding recall should, first and foremost, prioritise victim / public safety, and that recall should be the default response to any breach of licence conditions – especially in cases where an individual on parole has contacted, approached or threatened a previous victim or other women and children.

51. There was support for the idea of holding a progress meeting as an additional option when the Board is deciding on recall. However, some organisations saw problems with this proposal, noting that such decisions often need to be made very quickly. It was suggested that further discussion with a range of agencies would be needed to develop this proposal.

Re-release considerations (Q35–37, Chapter 16)

52. There was no consensus among respondents about whether the current re-release process is effective at supporting the initial decision to recall, partly because it was common for respondents to say they were unsure about how the process works.

53. Most respondents thought there should be a set timescale for holding re-release hearings – either within two or four weeks of recall. In the main, respondents said that a timescale of two to four weeks would allow individuals to return to the community with minimum disruption; however, others thought this timescale would not give the Parole Board enough time to fully consider the issues relating to the recall.

Deferrals (Q38–39, Chapter 17)

54. Respondents of all types had experience or were aware of parole hearing being heard. It was common for individuals (both those with and without experience of custody), in particular, to say they did not always know the reason for the deferral.

55. Respondents called for improved communication about deferrals, saying that those involved should always be contacted and told the reasons for the deferral, and that as much notice as possible should be given of the decision to defer. Respondents thought that tighter case management could help reduce the number of deferrals.

Timescales for parole reviews (Q40–42, Chapter 18)

56. There was no clear consensus on the appropriate timescales for reconsidering parole if an individual's parole is denied by the Parole Board. The most common view among organisations and individuals without experience of custody was that timescales should be flexible and based on the individual case. The most common view among individuals with experience of custody was that reviews are not frequent enough.

57. Respondents generally thought the timescales for reconsidering parole should be determined by the reasons for previous refusal of parole, the conduct of the individual in custody, and their engagement with the rehabilitation process.

1. Introduction

1.1 The Scottish Government has carried out a public consultation on reforming the parole system. This report presents the findings of an independent analysis of the responses to the consultation.

Policy context

1.2 Parole is an important part of the justice system in Scotland. The parole system enables offenders given custodial sentences to be released from prison to serve the remainder of their sentence in the community on licence under the supervision of a justice social worker. While parole policy is set by the Scottish Government, individual parole cases are considered by the independent Parole Board for Scotland. The Parole Board has a number of statutory functions, largely set out in the [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#). The procedural rules that govern the parole process are set out in secondary legislation, [the Parole Board \(Scotland\) Rules 2022](#) (the Parole Rules).

1.3 The Scottish Government's aim is to establish a parole system that is 'person-centred, balanced, and trauma-informed' – one that hears victims, supports rehabilitation, protects the public, and respects the rights and needs of all involved.

1.4 The parole system has undergone change in recent years, particularly with regard to strengthening the voice of victims in the process. A 2019 consultation, [Transforming Parole in Scotland](#), led to a series of reforms including the establishment of a dedicated team at Parole Scotland¹ who provide guidance and support to victims throughout the parole process and a system for enabling victims to attend and observe parole hearings. Additionally, the [Victims, Witnesses, and Justice Reform \(Scotland\) Act 2025](#) includes provisions relating to the parole system, such as the requirement for Parole Board panels to consider specific factors in reaching decisions about release.

About the consultation

1.5 The Scottish Government's [Programme for Government 2025-26](#) included a commitment to consult on further reforms to the parole system. The consultation, [Voices in Justice: A Consultation on Parole Reform in Scotland](#), took forward that commitment.

1.6 The questions set out in the consultation paper were informed by engagement with a range of partners, stakeholder groups and individuals with knowledge and experience of the parole system. There was also engagement with counterparts in other countries (UK and worldwide) to learn from experience in other jurisdictions.

1.7 The consultation paper contained 43 questions in two thematic sections:

- Transparency and communication: Questions 1 to 14 considered how communication and access to information could be improved to enhance

¹ Parole Scotland is the administrative body that supports the Parole Board and is responsible for providing the organisational support needed for the Parole Board to carry out its judicial function – such as managing case files and facilitating parole hearings.

understanding, trust, and wellbeing for victims, people in custody and others involved in the parole system.

- Parole process, licence conditions and recall: Questions 15 to 42 considered how the parole system could better support rehabilitation, public safety, and fairness.

1.8 The consultation specifically sought the views of those affected by – or with an interest in – the parole system, including (i) victims of crime, their families and the organisations that support them; (ii) people in custody, their families and support organisations; and (iii) professionals such as Parole Board members, justice social workers, prison staff and others working in the justice system.

1.9 A final question (Question 43) asked respondents to select a category (from 11 offered) that best described their situation. The answer to this question was intended to provide a context for the response. See Chapter 2 for further information about how the responses to this question were used in the analysis.

1.10 The consultation paper was published on the Scottish Government's online consultation platform (Citizen Space), with a closing date for responses of 11 November 2025.² Respondents could complete an online questionnaire or submit a response by email or post.

1.11 In addition, a simplified version of the consultation questionnaire was printed and distributed to all of Scotland's 17 prisons. One of the aims of the consultation was to ensure that all those with an interest in, or experience of the parole process, had the opportunity to give their views. The simplified questionnaire was intended to facilitate this for people currently in custody. This questionnaire was made available in prison libraries and halls – pens and envelopes were also provided to support confidential submissions. Scottish Prison Service staff, and those in their care, were informed about the consultation through internal notices. The consultation was also promoted through posters and local communication channels, including in-house TV systems where available. Altogether, 1,350 copies of the simplified consultation questionnaire were distributed throughout the prison estate.

The report

1.12 The remainder of this report is structured as follows:

- Chapter 2 presents information about the data preparation and analysis process.
- Chapter 3 presents information about the respondents to the consultation.
- Chapters 4 to 17 present an analysis of the consultation responses.

1.13 In addition, this report includes three annexes. Annex 1 contains a copy of the questionnaire made available in prisons. Annex 2 contains a list of organisational respondents. Annex 3 sets out the response rates for each of the consultation questions, with a breakdown by respondent type.

² An extension to 30 November 2025 was given to allow those in custody additional time to respond.

2. About the data preparation and analysis

2.1 This chapter provides details of issues that had to be considered and / or addressed in preparation for the analysis.

Consultation questionnaire

2.2 As noted in Chapter 1, there were two versions of the consultation questionnaire. As well as the online questionnaire (available on Citizen Space), a modified pen-and-paper version was also made available within the prison estate (see Annex 1) to allow those in custody to take part in the consultation.³ This version of the consultation questionnaire is referred to in this report as the 'prison questionnaire'.

2.3 It is well established that literacy levels within prison populations are often lower than in the general population. The prison questionnaire was therefore designed to be simpler and easier to understand. Changes made to the wording of both the questions and response options may have affected how some respondents interpreted and answered the questions. As a result, responses to the prison questionnaire are not always directly comparable with responses to the online questionnaire. This is discussed further in relation to specific questions at relevant points in the report.

Data quality – prison questionnaires

2.4 The data input of the prison questionnaires was undertaken in the first instance by the Scottish Government and reviewed by the independent analytical team as part of a quality assurance process.

2.5 This process highlighted a range of data quality issues in relation to the prison questionnaire. Key concerns are set out below. The following section (on data cleaning procedures) explains how these issues were addressed.

2.6 The data quality issues identified were as follows:

- The handwritten comments provided in response to open questions were often illegible and / or difficult to understand due to spelling / grammatical errors. In some cases, analysts had to interpret or infer the intended meaning of comments.
- In many cases, respondents made comments in the text boxes provided but did not select any of the available tick-box options.
- The design of the online questionnaire meant that, for most of the closed questions, respondents could only select a single option from the list of possible responses. However, those completing the prison questionnaire could – and often did – select multiple response options. In most cases when these responses were input by the Scottish Government to Citizen Space, only the first of the multiple options selected was input.

³ Note that, although most of the paper questionnaires made available within the prison estate were completed by individuals in custody, a small number were completed by other individuals (justice professionals, family members, prison staff, etc.). See Chapter 3 for details.

- The handwritten comments provided by respondents did not always align with the tick-box they had selected.

2.7 It was also noted at this stage that there were a large number of comments – across almost all questions – which simply indicated that the respondent was not sure, didn't know, or had no opinion in relation to the question under consideration.

Data cleaning procedures

2.8 The data cleaning process for the online questionnaire responses involved checking whether there were any duplicate or multiple responses from a single respondent and identifying any campaign responses (see Chapter 3).

2.9 The process for reviewing the data input for each prison questionnaire involved two analysts working together. One read out the information that had been entered into the database, while the other checked that it matched the original form. The data cleaning process then involved the following steps:

- Where the respondent had written comments but had not selected a tick-box option, the analysts agreed which of the tick-box response options represented the 'best fit' and added this to the database.
- Where the respondent had selected multiple response options, but the online questionnaire had required the selection of a single option, the analysts agreed either on a single response option which represented the 'best fit' to the comments, or used a new response option (created by the analysts), namely 'multiple options selected', and added this to the database. If this new option was used, a note was inserted in the comments box for the question detailing the respondent's original (multiple) selections.
- Where the respondent had ticked multiple response options for questions where multiple response options were allowed in the online questionnaire, the analysts checked that all the options selected were entered correctly into the database.

2.10 In some cases, changes were made to the comments that had been entered into the database. This was done if it became clear during the data cleaning process that text that had been entered did not fully match the corresponding text on the original form (often because the handwriting was not easy to read) and did not properly capture the views of the respondent. In these cases, the original entry was revised, based on the analysts' best interpretation of what the respondent had written.⁴

Categorising individuals for comparative analysis

2.11 Question 43 asked respondents to assign themselves to one of 11 categories:

- I am the victim or survivor of a crime
- I am a family member or friend of the victim or survivor of a crime
- I have served time in prison, but have not served time on parole

⁴ This was not done comprehensively because of the amount of time it would have taken to check the input for every open question.

- I have served time in prison, including serving part of my sentence on parole in the community
- I am a family member or friend of someone who has served time in prison, but they did not serve time on parole
- I am a family member or friend of someone who has served time on parole
- I am a professional who works in the justice sector
- I am a solicitor
- I work with victim support organisations
- I am a member of the public with an interest in this area
- Other, please specify.

2.12 The online questionnaire allowed respondents to choose one option only from the list presented. However, respondents choosing 'other' could provide any information they felt was relevant. Those completing a prison questionnaire could select as many options as they wished and could also write in any other relevant information.

2.13 For the purpose of analysis, the information provided at Question 43 was used to categorise the individuals who responded to the consultation, as described in the remainder of this section.

2.14 To enable comparative analysis, the original set of 11 categories offered in the questionnaire was reduced to seven (7). This involved combining some of the original categories and adding a new 'not known' category. See Table 2.1 for a description of the seven categories.

Table 2.1 Description of revised set of categories

Category	Description
Individual with experience of custody (current or past)	Those identifying themselves as having experience of custody, irrespective of whether they had spent time on parole
Professional in the justice sector	Those identifying themselves as solicitors, working with victim support organisations, or other professionals working in the justice sector (includes Parole Board panel members, prison officers and social workers)
Family / friend of someone with experience of custody	Those identifying themselves as a family member or friend of someone with experience of custody, irrespective of whether the person had spent time on parole
Family / friend of victim	Those identifying themselves as a family member / friend of a victim / survivor of crime
Victim	Those identifying themselves as a victim / survivor of crime
Member of public	Those identifying themselves as a member of the public with an interest in this area
Not known	Those for whom there was insufficient information to allocate them to any of the categories above

2.15 Where necessary, the following rules were applied to allocate each individual respondent to a single category only:

- In cases where multiple options were selected, if the respondent selected an option or provided information that indicated that they were either currently in custody or had previously been in custody they were categorised as ‘individual with experience of custody’.
- In cases where no option was selected, the response was read in full to establish whether a category from the list could be assigned. If insufficient information was provided to enable the respondent to be assigned to any of the first six categories, they were assigned to the ‘not known’ category.

2.16 This simplified set of seven categories is used in the qualitative analysis in this report.

Analysis and presentation of findings

2.17 This report is based on an analysis of the responses to the consultation questions.

2.18 The analysis explored the views of three groups: (i) organisations, (ii) individuals with no experience of custody (which includes individuals categorised as ‘not known’), and (iii) individuals with experience of custody (current or past). Note that most respondents in the first two groups completed the online questionnaire, while most respondents in the third group completed the prison questionnaire (see Chapter 3, paragraph 3.7).

2.19 Given the different questionnaires completed and the quality issues with the responses to the prison questionnaire, the views of the third group are presented separately in the report. Specifically, in each chapter the views of organisations and individuals with no experience of custody are presented first, followed by the views of individuals with experience of custody.

2.20 Frequency analysis was undertaken in relation to the responses to all the closed consultation questions and the findings are presented throughout this report.

2.21 Findings relating to the closed questions are presented in table form for the first two groups (that is, organisations and individuals with no experience of custody). The tables in the report show numbers and percentages. This allows readers to quickly understand the balance of opinion for each question. However, it should be borne in mind that these percentages (particularly in relation to organisational respondents) are based on small numbers.

2.22 For the third group of respondents (individuals with experience of custody) findings related to the closed questions are presented as simple counts rather than as percentages, given the data quality issues outlined at paragraphs 2.4 to 2.7.

2.23 Not all respondents answered all the closed questions – and so the totals shown for each question relate to the number of respondents who answered that question.

2.24 Qualitative analysis has also been undertaken of the comments submitted in response to each question. The aim of this analysis was to identify and report the main

themes and most common points in the responses to each question (or group of questions), and to explore areas of agreement and disagreement among respondents.

A caveat about the findings

2.25 As with all consultations, the views of those who have responded cannot be seen as representing the views of the wider population. Individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population.

2.26 For this reason, the approach to consultation analysis is primarily qualitative in nature. Its main purpose is not to identify how many people held particular views, but rather to understand the full range of views expressed and any concerns that respondents may have. The qualitative analysis also helps in understanding the responses to the closed questions and gaining deeper insight into people's views.

3. The respondents and responses

3.1 This chapter provides information about the respondents to the consultation and the responses submitted.

3.2 Altogether, the consultation received 242 responses – 75 submitted through the Scottish Government’s online consultation platform, and 167 submitted by email or post. (Note that most of the responses submitted by post were from individuals currently in custody who completed the prison questionnaire described in paragraphs 2.2 and 2.3.) For further details on the number of responses submitted in different ways, see paragraph 3.7.

3.3 Substantive (i.e. personalised) responses were received from 198 individuals and 23 organisations. (See Table 3.1.) In addition, campaign responses were received from 21 individuals (see paragraph 3.8).

Table 3.1: Respondent types

Respondent type	Number	%
Individuals	198	82%
Organisations	23	10%
Campaign respondents	21	9%
Total	242	100%

Individual respondents

3.4 The consultation received 198 responses from individuals. The breakdown of these individuals by type is shown in Table 3.2. The table shows that around two-thirds of individuals (125 out of 198, 63%) had experience (current or past) of being in custody, while around a third (74 out of 198, 37%) did not.

Table 3.2: Types of individuals

Type of individuals	Number	%
Individual with experience of custody*	125	63%
Professional in justice sector	23	12%
Family or friend of someone with experience of custody	17	9%
Member of public	10	5%
Family or friend of victim	6	3%
Victim	5	3%
Not known	12	6%
Total	198	100%

* Note that 21 individuals with experience of custody reported multiple designations – i.e. they not only had experience of custody (currently, or in the past), but they also had experience of being the victim of a crime, and / or were the friend or family member of someone who had been in custody.

Organisational respondents

3.5 The consultation received responses from 23 organisations. The breakdown of organisational respondents by organisation type is shown in Table 3.3.

Table 3.3: Types of organisations

Type of organisations	Number	%
Public sector organisations providing local justice services	6	26%
Third sector – victim support	5	22%
Statutory justice bodies	4	17%
Third sector – prisoner support	3	13%
Other organisation types*	5	22%
Total	23	100%

* The 'other organisation types' category comprised two bodies representing professionals working in the justice sector, one penal reform organisation, one academic body, and one faith group.

3.6 A complete list of organisational respondents is shown in Annex 2.

Questionnaire version by respondent type

3.7 As noted in Chapter 2, two versions of the consultation questionnaire were produced: an online questionnaire, and a simplified prison questionnaire. However, information provided at Question 43 indicated that not all of those who completed the prison questionnaire were individuals in custody. Moreover, some of those who completed the online questionnaire had experience of custody. Table 3.4 below shows the version of the questionnaire completed by respondents of each type.

Table 3.4: Questionnaire version by respondent type

Respondent type	Online	Prison	Total
Individual with experience of custody	3	122	125
Professional in justice sector	19	4	23
Family or friend of someone with experience of custody	16	1	17
Member of public	9	1	10
Family or friend of victim	5	1	6
Victim	4	1	5
Not known	0	12	12
All individuals	56	142	198
All organisations	23	0	23
Total	79	142	221

Campaign responses

3.8 As noted above, 21 identical (or near identical) responses were submitted to the consultation.⁵ These 'campaign responses' were all submitted by individuals (20 of whom identified themselves as family or friends of a person with experience of custody and one

⁵ These campaign responses varied to the extent that the respondents stated their interest (as a person in custody, or as a friend / family member of a prisoner) in the consultation at various questions. Additionally, one of the responses provided some additional text at some questions, but the substantive response to the question remained unchanged.

person who had experience of custody). None of the responses were personalised in any substantive way. The originator of the campaign was not identified in the response.

3.9 The campaign response followed the structure of the online consultation questionnaire.⁶ The campaign responses are not included in the tables in the report but are shown separately below the relevant table. This ensures that the campaign responses do not obscure, skew, or dominate the balance of opinion expressed by the non-campaign responses. Responses to the open questions from the campaign responses are included in the qualitative findings.

Response rates to individual questions

3.10 As noted in Chapter 2, not all respondents answered all the consultation questions. Response rates ranged from 86% to 98% for closed questions and from 47% to 81% for open questions. See Annex 3 for details.

⁶ It is standard practice to include the text of campaign responses within an annex of the analysis report. This has not been done in this instance because all those submitting a campaign response asked for their response not to be published.

4. Purpose of parole (Q1–2)

Key points from Chapter 4

- ◆ There was widespread support for the introduction of a definition that clearly states the purpose of parole. Respondents thought this would improve clarity and understanding for all those involved in or with an interest in the parole system, and enhance consistency, transparency and accountability across the system.
 - ◆ Public (and victim) protection and the rehabilitation and reintegration of offenders were seen as key components of a definition of parole. Some respondents highlighted the need to strike a balance between these purposes.
 - ◆ Respondents of all types said a definition of parole should also include a description of what parole is and the principles that guide the system; individuals thought it should include information about how the system operates.
-

4.1 The consultation invited respondents to consider the possible introduction of a definition of the purpose of parole, and what such a definition should include. It noted that parole is currently described or explained in various ways within Scotland's criminal justice system. It also noted that other jurisdictions – including Australia and Canada – define the purpose of parole within their systems. The first two consultation questions asked for views on whether a definition of parole should be introduced and, if so, what it should include.

Question 1: Would you support the introduction of a definition that clearly states the purpose of parole in Scotland?

Question 2: If the purpose of parole were to be defined in Scotland, what do you feel the defined purpose should include?

4.2 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

Defining the purpose of parole

4.3 Question 1 asked respondents if they supported the introduction of a definition that clearly states the purpose of parole in Scotland. Table 4.1 shows that:

- Overall, 93% of respondents said 'yes', and 3% said 'no'.
- All 20 organisations answering this question said 'yes', and 66 out of 72 individuals also said 'yes'.

Table 4.1: Q1 – Would you support the introduction of a definition that clearly states the purpose of parole in Scotland?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	20 (100%)	66 (92%)	86 (93%)
No	– (0%)	3 (4%)	3 (3%)
Other	– (0%)	1 (1%)	1 (1%)
Not sure	– (0%)	2 (3%)	2 (2%)
Total	20 (100%)	72 (100%)	92 (100%)

* Individuals with no experience of custody

4.4 In addition, the 21 campaign respondents said ‘yes’ – they supported the introduction of a definition of parole.

4.5 As shown in Table 4.1, there was a high level of support for the introduction of a definition stating the purpose of parole. In general, respondents thought a definition of this type would provide clarity and improve understanding for all parties: victims and their families, offenders, practitioners (e.g. social workers, lawyers, Parole Board members), stakeholder organisations, the wider public, politicians, and the media. Some respondents made the point that the parole system was complex, and often misunderstood, and that a clear statement of purpose would help address this.

4.6 Those offering more specific comments, suggested that a definition would:

- Help manage expectations for all parties
- Enhance consistency, transparency, and accountability within the parole system
- Ensure alignment across the various bodies involved in the parole system
- Be in line with a rights-based approach to parole
- Increase confidence in the system and provide reassurance to the public – one statutory justice body made the point that successful reintegration of offenders into society depends on community acceptance of affected individuals, which in turn depends on a shared understanding and acceptance of the purpose of parole.
- Help prevent parole decisions from being subject to debate among politicians, the public or the media.

4.7 Some respondents stressed the importance of carrying out careful consultation on any definition, including with victims of crime, and using plain language that was easily understood by everyone. Some also said that their support for a definition depended on the final wording of that definition.

4.8 Respondents who did **not** answer ‘yes’ said that they were unsure what would be gained by introducing such a definition or were concerned that a definition could be open to different interpretations.

What a defined purpose of parole should include

4.9 Broadly speaking, respondents said that any defined purpose of parole should include public protection and / or the rehabilitation and reintegration of offenders. While some respondents referred to one or other of these purposes, others said the purpose of parole should be to address both of these.

4.10 Those referring **only** to a purpose of offender rehabilitation and reintegration tended to be family / friends of those with experience of custody. Those referring **only** to a purpose of public protection tended to be victim support organisations. The latter group wished to see specific reference to 'victim' rather than just 'public' protection and safety. Some organisations and individuals (mainly professionals in the justice sector) highlighted the interrelated nature of these two purposes – they said that successful public protection depended on effective rehabilitation and reintegration, and / or that any statement of the purpose of parole should strike a balance between these.

4.11 In addition, respondents also commonly said that a statement of the purpose of parole should include the following:

- **A description of what parole is:** Individuals in particular said that the definition should make clear that time spent on parole in the community is still part of an offender's sentence, and involves supervision, conditions, and the possibility of recall. Some thought the definition should explain the legal basis for parole.
- **Reference to the principles that should guide the system:** Organisational respondents in particular thought the definition should refer to the principles and approaches underpinning the parole system. Specifically, they wished to see a parole system that is: (i) victim-focused, (ii) proportionate, fair and consistent, (iii) evidence-based, (iv) trauma informed, (v) open, transparent and accountable, (vi) rights-focused, and (vii) joined up across the justice sector.
- **Operational information about the parole system:** Individuals in particular thought the definition should include information about issues such as eligibility, timescales, and criteria considered in parole decisions.

Individuals with experience of custody

4.12 Questions 1 and 2 in the prison questionnaire (see Chapter 2 and Annex 1) were similar (but not identical) to the online questionnaire.

Question 1: Do you think it is a good idea to have a definition that clearly explains the purpose of parole in Scotland?

Question 2: If Scotland made a clear rule about what parole is for, what things do you think should be in that rule?

Defining the purpose of parole

4.13 Individuals with experience of custody were almost all in favour of having a definition of the purpose of parole. Of the 125 respondents who answered the question:

- 117 said 'yes'

- 3 said 'no'
- 2 said 'other'
- 3 said 'not sure'.

4.14 Respondents thought a definition stating the purpose of parole would provide clarity and improve understanding of the parole system – for the public, victims and families, justice bodies, as well as those in custody. Comments often suggested that respondents thought the proposed definition should cover how the parole system operates, as well as, or rather than, the purpose of parole.

4.15 Respondents commenting further mainly focused on perceived benefits to those in custody. They noted a lack of information and understanding about parole and the parole process; conflicting information from different sources; and a reliance on others in custody for information. Respondents highlighted how important the possibility of parole was to those in custody. They said that a clear definition would provide clarity on the parole process (in terms of timelines, eligibility, and requirements in achieving parole) and give people in custody something to work towards; would give hope while also helping to manage expectations; and would support the mental health of those in custody.

4.16 Individuals with experience of custody who did **not** answer 'yes' at this question said that people already knew what parole was, or said that a single definition would not apply to all circumstances or would not be applied correctly.

What should be included in a rule about parole

4.17 At Question 2, individuals with experience of custody highlighted three main things for inclusion in a 'rule' about what parole is for:

- **Information about the parole process** – including, for example, on timelines, processes, hearings, and the factors considered when making parole decisions
- **A statement of the purpose of parole** – while respondents most often mentioned rehabilitation and reintegration in this context, some also mentioned risk management, and public and victim safety
- **A description of what parole is.**

4.18 The most commonly mentioned of these points was information about the parole process. This reflects the comments at Question 1 from those with experience of custody who reported a lack of knowledge about the parole process.

4.19 However, the wording of this question in the prison questionnaire, and the use of the word 'rule' in particular may have led respondents to understand and answer the question in a different way to those completing the online questionnaire. Thus, comments from those in custody often focused on the 'rules' relating to operational processes involved in the parole system, and particularly the 'rules' for being granted parole. The comments from some also suggested that respondents thought there should be 'rules' about certain aspects of the process such as the provision of courses, the meeting of timelines, and the granting of parole when a failure to meet set requirements was outwith the control of the individual being considered for parole.

5. Publishing Parole Board decisions (Q3–5)

Key points from Chapter 5

- ◆ Among organisations and individuals with no experience of custody, there was a lack of consensus about whether decision summaries or full decision minutes should be published in relation to Parole Board decisions, although the most common view was the summaries are sufficient.
 - ◆ Individuals with experience of custody thought it was crucial that the person being considered for parole had access to the full decision minutes. Some said that anyone closely connected to the case should also have access to the full decision minutes.
 - ◆ There was general agreement among all respondent types that decisions / summaries should be anonymised in some way – either fully (the most common view) or with all names and addresses removed. Respondents thought the privacy, safety and security of individuals should not be compromised for the sake of providing greater transparency in relation to Parole Board decision-making.
 - ◆ There was strong support among respondents of all types for making more information available about how the Parole Board makes its decisions.
-

5.1 The consultation paper noted that the Scottish Government was committed to working with the Parole Board to improve communication and transparency in the parole system, while also protecting sensitive information such as the identities of individuals involved in cases. The Parole Board currently publishes summaries of release decisions in indeterminate cases⁷, and the consultation sought views on potential changes that could be made to further improve openness as well as proposals for improving understanding of the parole process. The consultation contained three questions on these issues.

Question 3: Should the Parole Board publish full versions of its decision minutes, including detail on the reasons for the decision and the evidence which was heard at the oral hearing, in release and non-release cases?

Question 4: To what extent do you feel that information published by the Parole Board (e.g. decisions, summaries, case examples) should be anonymised / redacted?

Question 5: Should the Parole Board publish more detailed information about how their decisions are reached (e.g. guidance, criteria, case studies)?

5.2 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

⁷ Indeterminate cases are life sentences and sentences involving an Order of Lifelong Restriction (OLR).

Organisations and individuals with no experience of custody

Publication of Parole Board decisions

5.3 Question 3 asked if the Parole Board should publish full decision minutes in relation to its decisions. Table 5.1 shows a lack of consensus on this question.

- Overall, 36% of respondents said 'yes – in all cases', 12% said 'yes – but only in certain cases', and 43% said 'no – decision summaries are sufficient'.
- The most common view among organisations was that decision summaries are sufficient (11 out of 20 said this).
- There was less consensus among individuals with 30 out of 71 saying that full decision minutes should be published in all cases, and 28 out of 71 saying that summaries are sufficient.

Table 5.1: Q3 – Should the Parole Board publish full decision minutes?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes – all cases	3 (15%)	30 (42%)	33 (36%)
Yes – but only in certain cases	2 (10%)	9 (13%)	11 (12%)
No – decision summaries are sufficient	11 (55%)	28 (39%)	39 (43%)
Other	2 (10%)	3 (4%)	5 (5%)
Not sure / no opinion	2 (10%)	1 (1%)	3 (3%)
Total	20 (100%)	71 (100%)	91 (100%)

* Individuals with no experience of custody

5.4 The 21 campaign respondents thought decision summaries are sufficient.

5.5 Accountability, transparency, fairness and consistency were all prominent themes in the comments of respondents who thought that full decision minutes to be published in all cases. Some suggested that publication of full decisions would promote openness and public confidence, allow independent review of reasoning and evidence, highlight inconsistent or biased decision-making, and reassure victims and families that decisions are principled and not arbitrary.

5.6 At the same time, it was also common for respondents to say that full decision minutes should be made available **only** to specific individuals (for example, family members of the person in custody, people in custody for whom parole is denied, and victims) – rather than being published and made available to anyone.

5.7 Respondents who thought only decision summaries should be published made several common points:

- The desire for greater transparency of Parole Board decisions needs to be balanced with the right to privacy and safety of all involved. There were concerns that the publication of full decisions could lead to (i) the public / media harassment of the

families of people seeking parole, (ii) the re-traumatisation of victims and their families, and (iii) security risks to professionals involved in the process.

- Publication of full decisions could be detrimental to an individual's chances of successful reintegration into society.
- Decision minutes may include sensitive personal information, not only about a person eligible for parole, but also about their victims. Even if full decisions are anonymised, individuals may still be identifiable.
- The knowledge that full decision minutes will be published may deter individuals from providing full and truthful answers at their parole hearing.

5.8 At the same time, those who preferred publication of decision summaries also acknowledged there was a need for greater consistency in the level of detail provided in summaries.

5.9 Respondents who thought full decision minutes should only be published in certain cases said this should only be done where there is a clear public interest.

Anonymisation of information published by the Parole Board

5.10 Question 4 asked respondents about the extent to which they thought information published by the Parole Board should be anonymised. Table 5.2 shows that:

- Overall, 13% of respondents said 'not anonymised', 34% said 'de-identified' and 43% said 'anonymised'.
- The most common view among organisations was that information published by the Parole Board should be anonymised (12 out of 20 said this).
- Most individuals also favoured some form of anonymisation (53 out of 70 said Parole Board information should be either anonymised or de-identified).

Table 5.2: Q4 – To what extent should information published by the Parole Board be anonymised?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Not anonymised	– (0%)	12 (17%)	12 (13%)
De-identified	5 (25%)	26 (37%)	31 (34%)
Anonymised	12 (60%)	27 (39%)	39 (43%)
Other	1 (5%)	1 (1%)	2 (2%)
Not sure / no opinion	2 (10%)	4 (6%)	6 (7%)
Total	20 (100%)	70 (100%)	90 (100%)

* Individuals with no experience of custody

5.11 In addition, the 21 campaign respondents said information published by the Parole Board should be anonymised.

5.12 Respondents who thought information published by the Parole Board should be (fully) anonymised gave two main reasons:

- There is a need to protect people's safety and their rights to privacy. This includes victims, their families, children, vulnerable adults and the person in custody – all of whom may face bullying, harassment and, in the case of a person on parole, retaliation from within their communities.
- Publishing names and other identifying information without the consent of those named would be a breach of data protection and human rights legislation.

5.13 Those who supported de-identification thought that 'excessive anonymity' would make the published information meaningless and / or prevent proper scrutiny. These respondents wanted to see a balance between privacy and the ability of victims, families, and the public to understand how decisions are reached and how different groups are treated within the parole system.

5.14 Respondents who supported de-identification suggested that names, addresses and sensitive personal information should be removed, but thought the substance of decisions (with a focus on explaining processes, reasoning, evidence, and principles) should remain intact. The detail provided should be sufficient to allow research into the way the parole system works for different types of offenders. They also thought that steps should be taken to protect the identity of those involved in making the decision about parole. This would include panel members, witnesses, and solicitors.

5.15 No organisations supported unredacted publication of Parole Board decisions. Individuals who supported this option often did so with caveats. For example, some accepted that redaction may be necessary, but advocated a case-by-case approach, with clear guidance, to achieve consistency.

Publication of information about the parole decision-making process

5.16 Question 5 asked if the Parole Board should publish more information about how their decisions are reached (for example, in the form of guidance, criteria or case studies). There was widespread support for this proposal. Table 5.3 shows that:

- Overall, 88% of respondents said 'yes', and 6% said 'no'.
- The pattern of response was similar among organisations and individuals.

Table 5.3: Q5 – Should the Parole Board publish more detailed information about how their decisions are reached?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	18 (86%)	60 (88%)	78 (88%)
No	– (0%)	5 (7%)	5 (6%)
Other	2 (10%)	2 (3%)	4 (4%)
Not sure / no opinion	1 (5%)	1 (1%)	2 (2%)
Total	21 (100%)	68 (100%)	89 (100%)

* Individuals with no experience of custody

5.17 The 21 campaign respondents said 'other' in response to this question.

5.18 Most respondents thought the Parole Board should publish more detailed information about how their decisions are reached. They thought this would:

- Help victims, families (of prisoners and victims) and the wider public better understand Parole Board decision-making processes, building confidence in the fairness and consistency of the process, while also counteracting misinformation, misunderstanding and (in some cases) political pressure
- Help those eligible for parole to prepare more effectively for hearings
- Help social work and third sector bodies align interventions with parole expectations
- Improve the induction process for new Parole Board panel members and support greater consistency in decision-making
- Allow public scrutiny of the criteria used by the Parole Board.

5.19 Respondents emphasised the importance of case studies being fully anonymised and guidance being written in an accessible and user-friendly way for a lay audience. Information should also be developed for children (including children involved directly in the justice system, child victims, and children with a family member in prison).

5.20 Victim support organisations and the families of victims called for better explanation of the different roles and responsibilities of the Scottish Prison Service and the Parole Board in facilitating representations from victims in relation to prisoner release, and how victims or their families can meaningfully participate in this process. Families of a person in custody wanted information about how cases are treated when an individual in prison continues to maintain his or her innocence.

5.21 Among those who did not say 'yes' at Question 5, there may have been a misunderstanding of what this question was asking. Some said the Parole Board should not be expected to produce guidance, criteria and case studies for every hearing as this would be administratively burdensome.

Individuals with experience of custody

5.22 Questions 3, 4 and 5 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 3: Should the Parole Board publish full details about why someone was or wasn't allowed to leave prison on parole? This would include reasons why the decision was made.

Question 4: How much should the Parole Board hide names and private details when sharing decisions about someone's parole?

Question 5: Should the Parole Board explain more clearly how they make decisions? This could include rules, examples, and helpful guides.

5.23 The comments made at these questions suggested that some respondents may have misunderstood what these questions were asking. This is explained below.

Publication of full Parole Board decision minutes

5.24 At Question 3, most of those with experience of custody thought that full details of Parole Board decisions should be published in all cases. Of the 125 respondents who answered this question:

- 79 said full details should be published in all cases
- 18 said full details should be published, but only in certain types of cases
- 14 said that decisions summaries are OK
- 12 said 'other'
- 2 said 'not sure / no opinion'.

5.25 The comments suggested that there was a misunderstanding of this question – and particularly among respondents who said that 'full details should be published in all cases'. Comments from this group often suggested that these respondents thought the question was asking whether full details of a Parole Board decision should be given to the individual being considered for parole, **not** whether the details should be made publicly available.⁸

5.26 Respondents who thought that full details should be published in all cases said that people in custody did not always understand the reasons that parole was denied. They argued that a person in custody should have the right to know why the Parole Board made the decision it did, and that having this information would help the person 'know what work they still have to do' to get parole in the future. Some expressed concern that decisions in parole cases were not always 'transparent' or may be 'biased'. They thought that the full publication of decisions would ensure that Parole Board decisions are made fairly and impartially, in compliance with rules and policies.

5.27 Some respondents who said 'full details should be published in all cases' stated that this information should be given 'only to the person that was up for parole' – or the person eligible for parole and any victims. Others made more general statements such as 'everyone should know exactly why', 'honesty and transparency should apply to decision making', 'so there is no confusion' or 'in the interests of fairness and integrity'.

5.28 Individuals with experience of custody who thought that only decision summaries should be published made similar points to those made by organisations and other individuals (see paragraph 5.7). This group argued that (i) those who come before the Parole Board should have the right to privacy and (ii) publication of the full details of decisions could result in security risks for a person released on parole, their families, victims and their families, and Parole Board members. Others were concerned about the potential for re-traumatising victims.

⁸ Note that individuals who are eligible for parole are given full details of the reasons for the Parole Board's decision in all cases. Some respondents in custody may not have known this, especially if they had not yet had their first parole hearing. Others may have experienced having their parole denied, been given the reasons for this, but not understood the information. Others may have thought this question was asking whether this information should continue to be provided in the future.

5.29 Respondents who thought that ‘full decision minutes should be published only in some cases’ said this should happen in ‘more severe cases’, in sexual offence or murder cases, in ‘high profile’ cases, or ‘when it is in the public interest’.

Anonymisation of information published by the Parole Board

5.30 Among individuals with experience of custody, there was no consensus on Question 4 about the extent to which Parole Board decisions should be anonymised. Of the 123 respondents who replied:

- 30 said Parole Board decisions should be shown in full to help people understand
- 48 said some details, like names and addresses should be removed, but the rest of the decision should be shared
- 32 said Parole Board decisions should hide everything private so no one can be identified
- 6 said ‘other ideas’
- 7 said ‘not sure’.

5.31 As with Question 3, the comments indicated that there may have been a misunderstanding about what this question was asking – particularly in relation to who Parole Board decisions are, or would be, shared with. Respondents thought that these decisions should be shared (at least in the first instance) with the person being considered for parole. Thus, some interpreted this question as asking about whether decisions should (or should not) be anonymised when being shared with these individuals. This misunderstanding was seen most often among respondents who selected ‘Parole Board decisions should be shown in full to help people understand’.

5.32 In general, respondents who thought Parole Board decisions should be fully anonymised and those who thought the decisions should be de-identified made similar comments to support their views. These comments echoed those given by organisations and other individuals (see paragraph 5.12). In particular, they highlighted the need for privacy among people involved in the case, and the potential risks to safety and security that could result from the unredacted publication of Parole Board decisions. There was a recurring view that people who have been deemed to have been rehabilitated should be allowed the chance to rebuild their life, and that the publication of unredacted decisions could make this more difficult. Some thought that only relevant agencies should be allowed to access to the full details of Parole Board decisions.

5.33 As noted, some respondents who said that ‘Parole Board decisions should be shown in full to help people understand’ may have misunderstood the question as they made points such as ‘clarity would help the prisoner and Parole Board’ and ‘you should get to see everything they have used to make their decision, so you get a fair understanding’. However, others suggested that ‘it’s in the public interest to know the facts’ and ‘prisoners and the public should be made fully aware of decisions’.

Publication of information about the parole decision-making process

5.34 At Question 5, almost all individuals with experience of custody thought the Parole Board should explain more clearly how they make decisions. Of the 124 respondents who replied to this question:

- 118 said 'yes'
- 2 said 'no'
- 4 said 'not sure / no opinion'.

5.35 In general, those who answered 'yes' appeared to understand this question as asking whether people in custody, specifically, would benefit from a clearer explanation of how the Parole Board makes decisions in individual cases. Respondents thought that such an explanation would help people in custody better understand how to improve their chances of being granted parole. They also expressed concern about a perceived lack of consistency in Parole Board decisions, and they highlighted the importance of using language that people understand when explaining Parole Board decisions and processes.

6. Information provision for victims (Q6–7)

Key points from Chapter 6

- ◆ There was widespread agreement among respondents of all types that victims should be able to choose how information relating to the parole process should be communicated to them – there was no single ‘best format’ to cover all situations.
 - ◆ The information received – in whichever format was chosen – should be comprehensive, factual and clear, should limit any emotional distress, and should provide victims the opportunity to ask any questions they might have.
 - ◆ A few individuals – including some with experience of custody – thought victims should play no part in the parole process and should receive only very basic information or no information at all.
-

6.1 The consultation paper stated that, currently, victims who join the Victim Notification Scheme (VNS) have the right to receive certain information about the offender in their case. This includes information about Parole Board decisions to recommend release of the individual, and about any licence conditions which relate to contact with the victim or the victim’s family. Following a recent review,⁹ Scottish Ministers have committed to ensuring that the VNS operates in a more person-centred and trauma-informed way. The consultation paper included two questions seeking views on how information provision for victims in relation to parole could be further enhanced.

Question 6: Which format do you feel is the most appropriate for victims / survivors to receive initial information about parole eligibility of the person in the case?

Question 7: Are there any changes you would like to see in how much information in parole cases is shared with victims?

6.2 Respondents’ views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

Format for providing initial information to victims

6.3 Question 6 asked about the most appropriate format for victims to receive initial information about parole eligibility of the person in their case. Table 6.1 shows that:

- Overall, 26% said ‘letter’, 3% said ‘email’, 11% said in person, and 17% said phone call. However, a third of respondents (31%) said ‘other’.
- The most common choices for individuals were ‘letter’ (21 out of 70 said this), ‘phone call’ (15 out of 70) or ‘in person’ (10 out of 70). The most common choice for organisations was ‘other’ (13 out of 17 said this).

⁹ [Victim Notification Scheme \(VNS\): Independent Review](#).

Table 6.1: Q6 – Which format is the most appropriate for victims to receive initial information about parole eligibility of the person in their case?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Letter	2 (12%)	21 (30%)	23 (26%)
Email	– (0%)	3 (4%)	3 (3%)
In person	– (0%)	10 (14%)	10 (11%)
Phone call	– (0%)	15 (21%)	15 (17%)
Other, please specify	13 (76%)	14 (20%)	27 (31%)
Not sure / no opinion	2 (12%)	7 (10%)	9 (10%)
Total	17 (100%)	70 (100%)	87 (100%)

* Individuals with no experience of custody

6.4 In addition, the 21 campaign respondents said ‘not sure / no opinion’.

6.5 The dominant theme in respondents’ comments – both from organisations and individuals – was that victims should be able to receive information in whichever format they preferred. Respondents described this approach as ‘person (not process) led’, and in line with current Scottish Government policy which emphasises a trauma-informed approach including a focus on choice. It was recognised that preferences might change over time and the system for recording preferences would need to be updated regularly.

6.6 A second theme linked to the first – and discussed by both organisations and individuals – was that the most appropriate format would depend on a number of factors including the severity and nature of the crime, the level of trauma experienced by the victim, and the personal circumstances of the victim. It was therefore difficult to make any general statement about the ‘most appropriate’ format for delivering information. In general, however, respondents emphasised that the information provided should be factual and clear, should limit emotional distress, and should provide victims with the opportunity to ask any questions they might have.

The amount of information to be shared with victims

6.7 Question 7 asked respondents about any changes they would like to see in the amount of information shared with victims. There were two main views in relation to this:

- The most common view was that victims should be able to access clear, comprehensive, and detailed information about all aspects of the parole process if they want it. This should include information about the offender’s progress and behaviour in custody, and a full account of the reasons set out by the Parole Board in reaching their decision on granting parole. This was described as a victim’s ‘fundamental right’. It was thought that full transparency was vital to foster trust in the parole system, ensure accountability, promote policy reform, and encourage emotional closure. This view was expressed by all victim support organisations, some other organisational respondents, and a range of individuals – including many justice professionals and those who were the family / friends of a victim.
- Less commonly, there was a view that victims should be able to access limited information only – described by respondents as ‘just the basic’ or ‘the bare

minimum' or 'not any more than the wider public' or 'enough for reassurance but no more'. It was thought that providing more information than this could prejudice ongoing appeals, interfere with the privacy rights of individuals seeking parole and / or be a barrier to their successful reintegration into society. This view was expressed predominantly by individuals – mainly family / friends of someone in custody, but also a range of other individuals including members of the public and justice professionals.

6.8 One justice professional commented that 'the danger with this consultation is victims who want to be anonymous [i.e. they do not want to be part of or hear about the parole process] won't have their voices heard – and that is the majority'.

Individuals with experience of custody

6.9 Questions 6 and 7 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 6: How should victims first be told that someone might be allowed to leave prison?¹⁰

Question 7: What would you change or add to help victims understand the parole system better?

How victims should be told about someone's parole eligibility

6.10 Overall, a total of 123 individuals with experience of custody provided a response to Question 6. Of these, 34 selected more than one format.¹¹ Altogether – including those who selected one format only and those who selected multiple formats:

- 42 said 'in person'
- 36 said 'letter'
- 30 said 'phone call'
- 11 said 'email'
- 9 said 'video call'
- 23 said 'other'
- 17 said 'not sure'.

6.11 Four main points about the most appropriate format for communication were made:

- The victim should be able to choose how to receive information of this kind.
- The form of communication with the victim should be 'personal'. This was seen as important because the situation was stressful for the victim and the information being conveyed was sensitive. A 'personal' or 'human touch' would aid understanding. It would allow the victim to feel that they mattered and give them the chance to ask any questions – including questions about access to support. (It should be noted that

¹⁰ Note that in the prison questionnaire, respondents were able to select multiple options at this question.

¹¹ Of the 34 respondents who selected more than one format: 24 selected two formats; 5 selected three formats; 4 selected four formats; and 1 selected all five formats. The most common combination was 'a letter and a phone call'.

asking for communication to be 'personal' was usually, but not always, the same as asking that it should be 'in person'.)

- The form of communication should depend on (i) the crime and / or (ii) the victim. For example, if the victim was a child or an elderly person, then email would not be appropriate; if the crime was a sexual offence, then a personal approach would be required. Moreover, information should only be communicated if the victim has actively asked for it to be shared.
- More than one form of communication should be used – for example: 'letter and phone call', 'phone call followed up by a letter', 'in person and then a letter'.

6.12 Specific points were made in favour of sending a letter, namely that this method (i) is less 'pressured' (especially compared to phone or video calls which may be 'overwhelming'), (ii) provides more time for 'processing', (iii) can provide the option of follow up and (iv) is 'official'.

6.13 A few respondents said the victim does not need to be informed about the offender's eligibility for parole. These respondents said that (i) the offender had served their punishment and should simply be allowed to get on with their life, (ii) the risk of re-offending has been minimised, (iii) safety measures had been put in place to manage any risks for the victims and (iv) the victim has no right to be told anything after the offender has been convicted and sentenced.

Information needed to help victims better understand the parole system

6.14 In general, at Question 7, individuals with experience of custody said that victims required clear and comprehensive information about all aspects of parole and the decision-making process. Some focused on written information and suggested that 'leaflets', 'a booklet', 'an idiot's guide' or 'a dedicated website' should be provided. Others thought non-written forms of communication would be helpful, such as 'a helpline', 'a named contact', 'a family officer', 'a support group', or 'a course'.

6.15 It was common for respondents to say they wanted victims to be informed about the work the person in custody has undertaken to rehabilitate themselves while in prison. This would cover their behaviour in prison, and how this had changed over time, how they interacted with other prisoners and staff, what courses and education they had undertaken, and details of their attendance at work.

7. Hearing attendance and pre-hearing representations (Q8–11)

Key points from Chapter 7

- ♦ Victim support organisations, victims, and family / friends of victims were largely in favour of expanding the rights of victims in the parole hearing process, arguing that this would lead to greater inclusion, empowerment, equality and fairness for victims.
 - ♦ The views of other respondents were more complex. Organisations and individuals with no experience of custody expressed support for extending – to victims of less serious crimes – (i) the right to request to observe oral parole hearings and (ii) the right to make oral representations to the Parole Board. However, these respondents had reservations about giving victims of the most serious crimes an automatic right to observe a hearing.
 - ♦ Individuals with experience of custody and family / friends of a person in custody were not in favour of extending the rights of victims in the parole process. These respondents were concerned that the involvement of victims would unfairly influence Parole Board decisions.
-

7.1 Currently, the victim of an offender serving a life sentence, extended sentence or Order for Lifelong Restriction (OLR), and who is registered with the Victim Notification Scheme (VNS) can apply to observe the offender's parole hearings. Where individuals are serving other types of sentences, the case will usually be determined without an oral hearing through a casework meeting. If an oral hearing is held for those cases, there is no entitlement or specific procedure for a victim to request to attend. They may still request to attend, as an observer, at the parole panel's discretion.

7.2 In addition, section 17 of the Criminal Justice (Scotland) Act 2003 makes provision for (i) all eligible victims to give written representations to the Parole Board, and (ii) eligible victims of individuals serving a life sentence to provide oral representations to a Parole Board member (not a member on the case panel) via a victim interview ahead of the parole hearing.

7.3 The consultation included three questions about potential new provisions for victims to observe parole hearings, and a fourth question, asking if any change is required to current provisions for victims regarding pre-hearing representations.

Question 8: Should victims / survivors, who are registered under the VNS, have the automatic right to attend and observe oral hearings?

Question 9: Should all victims / survivors – regardless of the type of sentence the person in custody is serving – have the right to request to observe a parole board oral hearing if one is held?

Question 10: Who else, if anyone, do you think should have access to parole hearings?

Question 11: Should all victims – regardless of the type of sentence the person in custody is serving – have the right to give oral representations to the Parole Board for Scotland ahead of the Parole Board considering a case?

7.4 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

The rights of victims to attend and observe oral hearings

7.5 Question 8 asked respondents if they thought that victims registered with the VNS should have an automatic right to attend and observe oral hearings. Table 7.1 shows a lack of consensus on this question.

- Overall, 39% of respondents said 'yes', and 40% said 'no' (i.e. victims should have to continue to request to attend).
- The most common view among organisations was that there should be an automatic right for registered victims to observe oral hearings (10 out of 18 said this).
- The most common view among individuals was that victims should have to continue to request to attend (30 out of 70 said this).

Table 7.1: Q8 – Should victims, who are registered under the VNS, have the automatic right to attend and observe oral hearings?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes, automatic right	10 (56%)	24 (34%)	34 (39%)
No, request to attend	5 (28%)	30 (43%)	35 (40%)
Other	2 (11%)	11 (16%)	13 (15%)
Not sure / no opinion	1 (6%)	5 (7%)	6 (7%)
Total	18 (100%)	70 (100%)	88 (100%)

* Individuals with no experience of custody

7.6 The 21 campaign respondents said 'no' to this question. They thought the current arrangement, where victims have to request to attend, is appropriate and should continue.

7.7 It should be noted that some respondents interpreted this question as asking whether victims should have a right to be physically present at an oral hearing, rather than simply observing it remotely. This misunderstanding may have affected their response to the question and the figures in Table 7.1 should therefore be treated with caution.

7.8 All the victim support organisations, most victims and most family / friends of victims thought that victims of serious offences, who are registered with the VNS, should have an automatic right to observe oral hearings.

7.9 These and other respondents said that an automatic right to observe would have benefits for victims and their families in terms of (i) helping them understand the parole process and the reasons for the decisions made, and (ii) feeling included and empowered. Having an automatic right to observe would mean that the onus is no longer on the victim to request this and / or potentially be denied.

7.10 If taken forward, respondents said that:

- Victims would need to understand that this would involve attendance by video-link and observation only, not participation.
- It must be made clear that victims may choose to attend or not, and that their attendance / non-attendance will have no bearing on the outcome of the hearing.
- In some cases, oral hearings (or parts of hearings) may need to be ‘closed’ – i.e. because of risk management concerns, or because certain matters are confidential to the person seeking parole.

7.11 Most of family / friends of individuals with experience of custody thought victims should continue to request to observe oral hearings. These respondents and others who thought the status quo should be retained expressed a range of concerns about giving victims an automatic right to observe hearings. These related to:

- **Threats to privacy / confidentiality:** Oral hearings often include discussion of sensitive matters – including about the family members / children of people in custody. There were concerns that it was not appropriate for the victim to hear these discussions unless these other individuals had given their consent. There were also concerns that some victims may not honour confidentiality requirements.
- **Threats to safety / security:** Respondents highlighted cases where threats have been made to the person in custody by victims or victims’ families. An automatic right to observe would also enable the victim or their family to identify other people involved in the hearing – such as social workers, support workers or panel members, which could introduce security risks for those individuals.
- **Potential impact on the process and outcome of the hearing:** Respondents thought the presence of a victim as an observer could inhibit open discussion between Parole Board members and the individual seeking parole. Some cited research evidence which they said indicated that the involvement of a victim or efforts by a victim to raise the profile of a parole case in the media can affect the outcome of the Parole Board’s decision.

7.12 In addition, some respondents questioned whether having an automatic right to observe would be in the best interests of victims, as the discussion at the oral hearing could lead to re-traumatisation. There were also concerns about what the expectations of victims might be in attending a hearing and how those expectations could be managed.

7.13 Some respondents noted that the current approach involves asking the person in custody if they have any objections to observers attending an oral hearing, and their views are taken into account by the chair of the hearing in deciding whether to grant a request. This arrangement was seen as providing a good balance between the rights of the victims and the person in custody. Respondents also noted that the victim can be kept informed about the progress and outcome of the hearing without having to attend.

7.14 Other views expressed about the right of victims to attend oral hearings were as follows:

- Some family / friends of a person in custody thought this question was suggesting that victims or their family members might be physically present at parole hearings, and they thought this was inappropriate given that the family members of people in custody are not permitted to attend. There was also a recurring view that victims should not be permitted to observe an oral hearing at all (either physically or through video-link) but should rather be kept informed through the VNS.
- Some respondents said that any expansion of the rights of victims to observe oral hearings would require adequate resourcing of victim support agencies and the provision of appropriate (trauma-informed) venues.

Extending the right to request to observe parole hearings to all victims

7.15 As noted above, currently, only victims of the most serious offences may request to observe an oral parole hearing relating to their case. Question 9 asked respondents if they thought that **all** victims – regardless of the type of sentence the person in custody is serving – should have this right. Table 7.2 shows that:

- Overall, 53% of respondents said ‘yes’, and 20% said ‘no’. A relatively large proportion (26%) said ‘other’ or ‘not sure’.
- The most common response, both among organisations and individuals, was ‘yes’ (11 out of 18 organisations and 35 out of 68 individuals said this).
- Just one organisation (out of 18) said ‘no’ at this question, whereas around a quarter of individuals (16 out of 68) said ‘no’.

Table 7.2: Q9 – Should all victims have the right to request to observe a parole board oral hearing?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	11 (61%)	35 (51%)	46 (53%)
No – Only victims in the most serious cases	1 (6%)	16 (24%)	17 (20%)
Other	3 (17%)	11 (16%)	14 (16%)
Not sure / no opinion	3 (17%)	6 (9%)	9 (10%)
Total	18 (100%)	68 (100%)	86 (100%)

* Individuals with no experience of custody

7.16 The 21 campaign respondents said ‘no’ to this question.

7.17 All victim support organisations thought all victims should have the right to request to observe oral hearings. Individuals who chose this option included most of the justice professionals, family / friends of victims, and victims. The main reasons given by this group for saying ‘yes’ related to fairness and equality. They thought that if some victims had the right to request to observe, then all victims should have that right, and that the type of sentence given to the person in custody was irrelevant.

7.18 Respondents who did not answer ‘yes’ (including those who said ‘other’ or ‘not sure’) expressed a range concerns and uncertainty about the benefits of expanding access to

hearings for a wider range of victims. These respondents acknowledged that the harm experienced by a victim is not necessarily related to the seriousness of an offence in sentencing terms. However, they saw the need to balance any expansion of the rights of victims of less serious offences with the need to give individuals released on parole the best chance of successful reintegration to the community.

7.19 The concerns raised by these respondents echoed those discussed in relation to Question 8. (See paragraphs 7.11–7.12.) These related to privacy, safety, the potential impact on the fairness of the hearing for the person being considered for parole, the victim’s expectations, and the mental health impacts for the victim and the offender.

7.20 These respondents also noted that giving more victims the right to request to observe hearings would cause delays in the parole system (because of the need to respond to a larger number of requests, and the possibility of victims challenging Parole Board decisions). For this reason, they thought the right to request to observe should continue to be restricted to victims of the most serious cases only.

Who else should be allowed to observe parole hearings?

7.21 Question 10 asked who else, apart from the victim in a case (and the victim’s family where a victim has died) should be able to observe parole hearings. Table 7.3 shows that:

- Overall, respondents were most likely to say that legal professionals / researchers, social workers, and other professionals (for training purposes) should be able to observe parole hearings. Between 36% and 39% of all respondents chose each of these three options.
- A similar proportion of respondents (37% overall) said only the victim(s) (or victim’s family member, where the victim has died) should be able to observe. (Note that some respondents chose this latter option and also chose other options.)
- Respondents were least likely to say that journalists / media or members of the public should be able to observe parole hearings (13% and 11%, respectively).

Table 7.3: Q10 – Who else do you think should have access to parole hearings?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Victim only (or family member, where victim has died)	5 (29%)	26 (39%)	31 (37%)
Members of the public	2 (12%)	7 (11%)	9 (11%)
Journalists / media	3 (18%)	8 (12%)	11 (13%)
Legal professionals / researchers	7 (41%)	25 (38%)	32 (39%)
Social workers	5 (29%)	26 (39%)	31 (37%)
Other professionals for training purposes	7 (41%)	23 (35%)	30 (36%)
Other, please specify	7 (41%)	14 (21%)	21 (25%)
Not sure / no opinion	3 (18%)	5 (8%)	8 (10%)
Base**	17	66	83

* Individuals with no experience of custody

** This is the number of respondents who selected at least one option. Total percentages are not shown as respondents were able to select more than one option.

7.22 The 21 campaign respondents selected 'other' in response to this question.

7.23 Regardless of the response option(s) selected, the main theme in respondents' comments was the importance of privacy and safety – both for victims and their families, and also for the person being considered for parole. Some also emphasised that the parole panel needed to feel safe and free of distraction to do their jobs. In that context, respondents generally thought that access to parole hearings should be restricted to those (including relevant professionals) who are directly involved in a case.

7.24 Other suggestions of specific individuals or groups who should be permitted to observe and / or attend the hearing were:

- Professional support workers from victim support agencies (if the victim and / or their family wish such support) – made by victim support organisations
- Family members of the person being considered for parole (if requested by that individual) – made by family / friends of a person in custody.

7.25 In the main, respondents did not support access to oral hearings by journalists / media or members of the public apart from in exceptional cases and at the discretion of the chair of the Parole Board. Those who **did** support access for these groups argued that an oral hearing should be seen in the same way as a trial and, for the sake of transparency, should be open to all. Respondents who opposed access for the media and members of the public specifically argued that an oral hearing is **not** the same as a trial. The focus of a hearing is to assess risk, not to establish innocence or guilt.

7.26 While some respondents supported access for other professionals for training purposes, others argued that this was not necessary, as trainees could be provided with anonymised decision summaries and other online training materials.

7.27 In general, respondents said that additional attendees (including the victim) should only be permitted to attend under strict confidentiality rules at the discretion of the panel chair or chair of the Parole Board, and with the informed consent of the person being considered for parole. It was noted that the Board would need to have powers to make orders restricting publication of parole hearing discussions, and to punish those who breach these orders.

Victims' pre-hearing representations

7.28 Question 11 asked if all victims – regardless of the type of sentence the person in custody is serving – should have the right to give oral representations to the Parole Board ahead of the Board considering a case, or if this should be limited, as under the current approach, to victims in the most serious cases. Table 7.4 shows that:

- Overall, 52% of respondents said 'yes' (all victims should have the right to give oral representations), and 26% said 'no'. A relatively large proportion of respondents (16%) said 'other'.
- The most common response for both organisations and individuals was 'yes' – 11 out of 17 organisations and 34 out of 69 individuals said this.

Table 7.4: Q11 – Should all victims have the right to give oral representations to the Parole Board before a case is considered?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	11 (65%)	34 (49%)	45 (52%)
No – current approach is appropriate	3 (18%)	19 (28%)	22 (26%)
Other	2 (12%)	12 (17%)	14 (16%)
Not sure / no opinion	1 (6%)	4 (6%)	5 (6%)
Total	17 (100%)	69 (100%)	86 (100%)

* Individuals with no experience of custody

7.29 The 21 campaign respondents said ‘no’ (they thought the current approach was appropriate and should be retained).

7.30 All victim support organisations thought all victims should have the right to speak to the Parole Board ahead of a parole hearing. Most justice professionals and most family / friends of victims also said this.

7.31 In general, this group argued that the current arrangement is unfair in that it treats the experiences of some victims as more ‘important’ than others. These respondents thought that extending current arrangements would not only benefit victims but also the Parole Board panel in their consideration of any licence conditions. Victim support organisations said that giving all victims the right to make oral representations would (i) promote inclusion, equality of treatment and equal access to justice for all victims, (ii) enable victims to express the ongoing impact of the offence in their own words, (iii) provide the Parole Board with a greater insight into potential risk, harm and public safety considerations, and (iv) strengthen victims’ trust in the justice system.

7.32 There was a range of suggestions about how such oral representations could be delivered. These included enabling victims to make representations by video link or pre-recorded video statements, and allowing oral representations to be made by telephone and transcribed. There was also a view that victims should be able to be supported by a professional to ensure the process does not cause further harm.

7.33 In general, respondents who thought only victims of the most serious cases should have the right to speak to the Parole Board said that the purpose of a parole hearing should be to consider the progress made by the offender in prison. It should remain focused on evidence and risk management. They thought victims should be able to submit written statements through existing channels but should not speak directly to the Parole Board.

7.34 There was also a recurring view that, where there is no reasonable expectation that the victim and convicted person would ever have future contact, then the victim’s contribution to the parole hearing should be limited to informing licence conditions.

7.35 Respondents who selected ‘other’ at Question 11 generally raised similar concerns to those who thought there should be no extension of the current arrangements for victim

oral representations **or** they argued that no victims should be able to make oral representations to the Parole Board. This group made a range of points, including that:

- What happened to the victim is described in the index offence indictment and trial judge report which members of the Parole Board have access to.
- Oral representations by victims could unfairly influence Board decision-making.
- Prisoners' requests for witnesses to give oral evidence are often refused on the basis that adequate submissions can be made in writing. This arrangement should also apply to victims.
- Parole hearings are already lengthy due to professional witnesses being called to give evidence. Extending the right to give oral representations to all victims would result in significant extra cost, and lead to more hearings being delayed / adjourned.

7.36 Some respondents also questioned whether there would be any additional benefit to victims in giving oral representations beyond their existing right to submit a written statement. They argued that victims are already able to give oral representations at the time of sentencing. Some said that any concerns victims may have about parole decision-making would be better addressed through improved public information about how the process works.

Individuals with experience of custody

7.37 Questions 8, 9, 10 and 11 in the prison questionnaire were worded differently to the questions in the online questionnaire.

Question 8: Should victims, who are part of the Victim Notification Scheme, always be allowed to watch oral hearings?

Question 9: Should all victims be allowed to ask to watch an oral hearing, no matter what sentence the person got?

Question 10: Who else, other than the victim, should be allowed to watch an oral hearing? (Select all that apply.)

Question 11: Should all victims, regardless of the type of sentence the person in custody is serving, be allowed to speak to the Parole Board before a case is decided?

Victims' rights to observe oral hearings

7.38 At Question 8, the most common view among individuals with experience of custody was that victims who are registered with the VNS should still have to ask to watch an oral parole hearing. Of the 121 people who responded:

- 27 said yes, they should always be allowed
- 53 said no, they should still have to ask
- 20 said 'other idea'
- 21 said 'not sure'.

7.39 Those who thought victims should always be allowed to watch oral hearings gave three main reasons: (i) this could help them to see the progress made by the person who

harmed them, (ii) this would help them to understand the parole process and how decisions are made, and (iii) it may help the victim's own trauma.

7.40 Those who thought victims should continue to have to ask to observe an oral hearing made the following points:

- They thought the victim's presence at the hearing would be stressful for the person being considered for parole and could affect the hearing process, the outcome of the hearing, and the individual's successful reintegration into the community.
- They were concerned about victims sharing confidential information with the media or on social media sites.
- They thought the hearing would be stressful for the victim and could lead to re-traumatisation. Respondents questioned why a victim would wish to attend – particularly when the individual being considered for parole may be forbidden from contacting the victim as a condition of their release.

7.41 These respondents thought eligible victims should continue to have to request to watch a parole hearing and that the decision to allow this should be made on a case-by-case basis. Some thought this question was asking whether victims should be allowed to be physically present at the hearing and this was opposed.

7.42 Some individuals with experience of custody thought that victims should not be able to observe oral hearings at all, as their presence could affect the fairness of the hearing.

Extending the right to observe oral hearings to all victims

7.43 At Question 9, there was no consensus among individuals with experience of custody about whether all victims should be allowed to ask to observe an oral parole hearing – regardless of the sentence the person in custody was given. Of the 122 who answered this question:

- 43 said 'yes, every victim should be allowed to ask'
- 42 said 'no, only victims in very serious cases should be allowed'
- 20 said 'other'
- 17 said 'not sure / no opinion'.

7.44 Those who said that every victim should be allowed to ask to watch the oral hearing thought it was not 'fair' if some victims can watch and others are denied, and that it should be up to the victim to choose whether to observe. Some said observing the hearing would help the victim to see the progress made by the person in custody and help achieve 'closure'. There were also suggestions that there should be clear criteria for allowing victims to watch hearings.

7.45 Respondents who said that only victims in very serious cases should have the right to observe were concerned about the effect the presence of the victim could have on Parole Board decision-making. They also said the oral hearing is not intended for the victim, and that it is important to keep hearings private to support the reintegration of the individual into the community. Some pointed to the large administrative burden that would

result ('the process is clogged enough'), and expressed concerns about victims who may be seeking retribution or revenge. In general, these respondents thought it was appropriate that the right to request to attend a hearing should be restricted to victims of serious offences (murder and rape were mentioned most often).

7.46 Other recurring views expressed by respondents at Question 9 were that: (i) victims should not be able to be involved in parole hearings at all and (ii) if the victim is allowed to observe the parole hearing, then the prisoner's family should also be permitted to observe.

Who else should be allowed to observe an oral parole hearing?

7.47 Question 10 in the prison questionnaire asked if anyone else – apart from the victim or their family – should be allowed to watch an oral parole hearing. Among those who responded to this question, 116 chose one or more options – specifically:

- 66 said 'lawyers or researchers'
- 55 said 'social workers'
- 49 said 'only the victim or their family'
- 32 said 'other workers for training'
- 31 said 'other'
- 6 said 'journalists'
- 4 said 'people from the public'
- 7 said 'not sure'.

7.48 These views largely aligned with the views of organisations and individuals with no experience of custody. Moreover, individuals with experience of custody often gave the same reasons for their choices – which related to issues of privacy / fairness and safety. They also thought journalists and members of the public should not be able to watch oral parole hearings. In general, these respondents thought only relevant individuals, directly involved in the case (or involved in supporting the individual after release), should be able to watch an oral hearing.

7.49 Some individuals with experience of custody said that a family member or other supporter / advocate of the person being considered for parole should be permitted to watch the hearing. They said that (i) family members are often directly affected by the decision made and should understand the process, and (ii) the person being considered for parole should be able to have a supportive person attend the hearing with them.

Right of a victim to speak to the Parole Board before the case

7.50 The most common response at Question 11 among individuals with experience of custody was that only victims in the most serious cases should be able to speak to the Parole Board. Of the 124 who answered this question:

- 30 said 'yes, every victim should have the right to speak to the Parole Board'
- 45 said 'no, only victims in the most serious cases should speak to the Parole Board'
- 35 said 'other'

- 14 said 'not sure / no opinion'.

7.51 Those who thought that every victim should have the right speak to the Parole Board gave two main reasons: (i) it is important that victims are able to express any concerns they may have about a person's release, and (ii) it would not be fair to allow only some victims to speak to the Parole Board.

7.52 However, respondents also noted caveats to this view – for example: (i) as long as what they are saying is relevant, (ii) the victim's feelings should not outweigh the facts of a person's rehabilitation, and (iii) this should be done on a case-by-case basis.

7.53 Those who thought only victims of the most serious cases should be allowed to speak to the Parole Board were concerned about the potential impact of this on a decision to grant parole. Some questioned the purpose of allowing victims to speak directly to the Parole Board and suggested that if the purpose was for victims to feel heard, this could be done in another way – for example, by requiring a social worker to speak to the victim in advance of the parole hearing. Some recognised the impact on victims of more serious cases and thought it was right that these victims are able to speak to the Parole Board directly if they wish. However, they were not in favour of extending this right to victims of less serious crimes because of the time and cost implications of this and the possibility of delays in the scheduling of parole hearings.

7.54 Individuals with experience of custody offering other views at Question 11 generally thought that no victims should not be able to speak to the Parole Board in advance of a parole hearing. These respondents argued that the person who committed a crime had already been punished and the length of their sentence would have taken into account the victim's statement at the time of the trial. In addition, the victim is likely to have no knowledge of the efforts made by a person in custody towards rehabilitation, and therefore their perspective would be biased and could unfairly influence the decision to grant parole.

8. Improving understanding of the parole process (Q12–14)

Key points from Chapter 8

- ◆ Respondents of all types emphasised the importance of victims having a clear understanding of the parole process, including the evidence the Parole Board considers, how risk is assessed, how victims can contribute to decision-making, and the support available to victims. Victims should be kept informed throughout, and the outcome of the hearing and details of any licence conditions should be communicated clearly.
 - ◆ There was general agreement among organisations and individuals with no experience of custody that the use of digital tools (e.g. videos, podcasts, online updates etc.) could be helpful in improving awareness and understanding of the parole process. Individuals with experience of custody were less certain about the benefits of these technologies, particularly given the lack of digital skills and access to digital tools among this group.
 - ◆ Suggestions for improving information sharing offered by organisations and individuals with no experience of custody included a more active role for the Parole Board in communicating with the public, and encouragement for the public to become more involved in rehabilitation programmes. Suggestions for improving information sharing offered by individuals with experience of custody included increased opportunities for face-to-face meetings between victims and offenders, and work to improve the public image of parole.
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8.1 The consultation paper stated the Scottish Government's commitment to ensuring that victims feel listened to and are fully informed when they engage with the parole process. Three questions considered how understanding and engagement could be enhanced through improvements in information sharing.

Question 12: What information do you feel is most important for victims to receive, in order to support their understanding of, and engagement with, the parole process?

Question 13: How could digital tools (e.g. videos, podcasts, online updates) be used to improve people's understanding and experience of the parole process?

Question 14: Do you have any other suggestions for improving communication, transparency, or information sharing in the parole system?

8.2 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

Information to support victims' understanding of the parole process

8.3 Question 12 asked what information would best support victims' understanding of, and engagement with, the parole process. There was considerable overlap in the responses to Question 12 with those offered earlier at Questions 6 and 7 (see Chapter 6).

8.4 The dominant view, expressed by all victim support organisations, many justice professionals, respondents in the 'other organisation type' category and a range of individuals – including the family / friends of a victim – was that victims should be able to access comprehensive information on all aspects of the parole process. This would include, but not be limited to: (i) the evidence considered by the Parole Board, (ii) the reasons given for granting – or not granting – parole, (iii) the risk assessment undertaken and the safeguards which had been put in place, (iv) the offender's behaviour in prison and the courses and programmes they attended, (v) the timelines for the parole process, (vi) how victims can contribute to the process, and (vii) the support available to victims.

8.5 A minority view, expressed mainly by family / friends of an individual in custody, was that victims should be able to access limited information only, and should be reminded that a parole hearing is not an opportunity to revisit the outcome of the original trial.

Use of digital tools in improving understanding of the parole process

8.6 Question 13 asked about the use of digital tools in improving understanding of the parole process.

8.7 There was general agreement across both organisations and individuals with no experience of custody that the use of digital tools (e.g. videos, podcasts, online updates etc.) could be helpful in improving awareness and understanding of the parole system.¹² However, respondents raised a range of caveats and other considerations about using these types of communication channels.

8.8 Positive aspects of digital tools identified by respondents included:

- The potential to reach large numbers of people
- The accessibility of these types of formats for people who are geographically isolated, have lower literacy levels, or have specific cognitive requirements
- The ability to offer accessibility features – for example voiceovers or large font sizes – as part of these communications
- The opportunity for people to watch 'mock parole hearings'
- The possibility of receiving updates on specific cases in 'real time'.

8.9 Caveats raised in relation to the use of digital tools included:

¹² One statutory justice organisation said they had developed a number of blogs and video explainers which had been well received, and they would be happy to share these.

- Digital tools should be viewed as additions to – not substitutes for – existing support.
- Some people may lack skills or experience in accessing digital technology.
- It is important to develop digital tools in collaboration with those who have relevant lived experience.
- It may not be feasible to make these tools available within all custody settings.
- Digital tools should not include specific real-life cases for reasons of privacy / confidentiality.

Suggestions for improvement

8.10 Question 14 asked whether respondents had any other suggestions for improving communication, transparency, or information sharing in the parole system. Suggestions included:

- Creating a 'single centralised website' or team to provide information and actively signpost people to further resources and specialised support
- Developing a more active role for the Parole Board – this could involve providing (separate) briefings for prison / social work staff, victims, and the media to build greater understanding and dispel misinformation around the parole system
- Ensuring all relevant staff receive appropriate trauma-informed training co-designed with victims
- Publishing anonymised statistics on the outcomes of parole hearings by local authority, gender, age, length of sentence etc., and a summary of the reasons for decisions made, to improve accountability.

Individuals with experience of custody

8.11 Questions 12, 13 and 14 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 12: What information do victims need most to help them understand and engage with the parole process?

Question 13: How do you think things like videos, podcasts, or online updates could help people understand parole better?

Question 14: Do you have any other ideas for improving communication with victims and others about parole?

Information to support victims' understanding of the parole process

8.12 Question 12 asked what information victims need most to help them understand and engage with the parole process.

8.13 Respondents thought victims should know about the 'rules and regulations' surrounding parole, and they should be offered a dedicated point of contact and / or a helpline for any support they required. If parole was granted, victims should be told about the arrangements in place to protect the victim. There were also comments to the effect

that victims need to understand that if an offender gets parole this does not mean they are free, and that a parole hearing is 'not a trial'.

Use of digital tools in improving the understanding of parole

8.14 Question 13 asked whether things like videos, podcasts or online updates could help people understand parole better. Many respondents provided very brief comments, for example: 'not sure', 'could be good', 'won't work', 'all cases are different'.

8.15 The main substantive points made were that:

- Presentations can be easier to understand – many people prefer to see a video rather than read (a booklet).
- Many people – especially older people – have never been online.
- People in custody do not have access to online resources.
- It was important to protect people's privacy and no details about specific individuals should be included in any outputs.

Suggestions for improvement

8.16 Question 14 asked for any other ideas for improving communication with victims and others about parole. Four main suggestions were made:

- There should be more opportunities for face-to-face meetings between victims and offenders. These meetings – which would also include a social worker or other relevant professional – would be held in advance of the parole hearing and give offenders the chance to show their remorse and say sorry to the victim for the harm they caused.
- Following the parole hearing, the victim could have a personal debrief with a member of the panel. This would help them understand the decision which had been made.
- A new role of 'victim ambassador' should be created to improve communication with victims.
- It would be worth investing in efforts to improve the image of parole in the eyes of the public (and victims), and to emphasise its role as a 'rehabilitation tool'. This might help reduce sensationalist media coverage.

9. Test for release on parole (Q15–17)

Key points from Chapter 9

- ◆ Overall, there was a lack of consensus about whether there should be a single test for release on parole that would apply in all cases; however, the most common view among respondents was that there should continue to be different tests for release depending on sentence type.
 - ◆ All respondent types favoured a test (or tests) including both risk and readiness to reintegrate. At the same time, they thought risk should still be the priority concern. Those with experience of custody were more likely to emphasise the importance of considering readiness to reintegrate and / or say this should be the focus of any test(s).
 - ◆ Respondents commonly called for a broader approach to understanding and assessing risk and deciding whether to grant parole. However, this meant different things to different respondents.
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9.1 The consultation paper explained that there are currently different tests for release on parole depending on sentence type, with different tests for indeterminate sentences (e.g. life sentences and Orders for Lifelong Restriction (OLRs)), determinate and extended sentences (custodial part), and extended sentences (where the person has been released and subsequently recalled to custody). It also noted that, in each case, the focus of the test is on risk. However, other jurisdictions use a test which considers both risk and rehabilitation. Three questions sought views on the test(s) for release on parole that should be in place.

Question 15: Do you support the introduction of a single over-arching, statutory test for release that would apply to all cases considered for release by the Parole Board?

Question 16: Regardless of whether a single test is introduced, or the current process is retained, should the test(s) for release from custody continue to focus solely on risk, or should they be amended to also consider a person's readiness to reintegrate into the community?

Question 17: Do you have any other views on the assessment and decision-making process around release – for example, other aims that should be reflected, improvements that could be made, or changes in how risk is considered?

9.2 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

A single statutory test for release for all cases

9.3 Question 15 asked respondents if they supported the introduction of a single test for release for all cases considered by the Parole Board. Table 9.1 shows that:

- Overall, 38% of respondents said ‘yes’, and 51% said ‘no’ at Question 15.
- Individuals (36 out of 66) were more likely than organisations (7 out of 19) to say ‘no’.
- Organisations were divided in their views with 8 out of 19 saying ‘yes’, and 7 out of 19 saying ‘no’.

Table 9.1: Q15 – Do you support the introduction of a single over-arching, statutory test for release that would apply to all cases?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes – single over-arching test	8 (42%)	24 (36%)	32 (38%)
No – different tests should continue to apply	7 (37%)	36 (55%)	43 (51%)
Other	2 (11%)	5 (8%)	7 (8%)
Not sure / no opinion	2 (11%)	1 (2%)	3 (4%)
Total	19 (100%)	66 (100%)	85 (100%)

* Individuals with no experience of custody

9.4 The 21 campaign respondents answered ‘no’ to this question, saying that different tests should continue to apply depending on the type of sentence.

9.5 Respondents (particularly justice sector professionals and family / friends of those in custody) who supported a single over-arching test said that this would be helpful to both public and stakeholder understanding. Additionally, they said this would improve the clarity and consistency of decisions, and ensure flexibility and fairness across the system. Organisations and justice sector professionals in particular also said that a single test made sense if a single definition of parole were adopted and / or if the purpose of parole in all cases is to ensure public safety. They also said a single test would allow a more nuanced approach to the assessment of risk and the management of that risk in individual cases, irrespective of sentence type or offence. Some organisational respondents, particularly statutory justice bodies, thought that consideration should also be given to aligning the tests used for different sentence types across the parole system (including at release, recall and re-release).

9.6 The main view among respondents who favoured retention of the current multiple tests was that different sentence types (or different offences) have different risk implications and therefore require different approaches to deciding on parole. There was concern that a single test would oversimplify a complex issue and was not in line with the distinct types of sentences available to the courts in Scotland.

9.7 However, other individuals who answered ‘no’ at this question stressed the need for an approach that took account of the nature of the offence and the sentence imposed as well as the circumstances of the individual. Their comments were brief, but suggest that these respondents may have been referring to the approach that should be taken and the factors that should be considered in deciding whether a test for release has been met, rather than whether that test should be the same irrespective of sentence type.

9.8 Among those making other points, a local justice organisation suggested a two-test system involving one test for life and indeterminate sentences and a second test for all other sentence types. Additionally, some respondents (both organisations and individuals) said they needed more information on what the single test might be in order to offer a view.

The focus of test(s) for release

9.9 Question 16 asked respondents if they thought the test(s) for release should continue to focus solely on risk or should also consider a person's readiness to reintegrate into the community. Table 10.2 shows that:

- Overall, 26% of respondents said test(s) for release should continue to focus solely on risk, while 67% said they should focus on a combination of risk and readiness to reintegrate into the community.
- The overall pattern of response was similar for organisations and individuals.

Table 9.2: Q16 – Should the test(s) continue to focus solely on risk, or should they also consider a person's readiness to reintegrate into the community?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Risk only	3 (18%)	18 (28%)	21 (26%)
Risk and reintegration	11 (65%)	44 (68%)	55 (67%)
Other	1 (6%)	2 (3%)	3 (4%)
Not sure / no opinion	2 (12%)	1 (2%)	3 (4%)
Total	17 (100%)	65 (100%)	82 (100%)

* Individuals with no experience of custody

9.10 The 21 campaign respondents said that test(s) for parole should combine risk assessment with an assessment of the individual's readiness to reintegrate into the community.

9.11 Respondents who favoured a test based solely on risk thought that protecting the public should be the priority in considering whether to grant parole. Some victim support organisations also thought there should be separate consideration of victim and public protection, particularly in relation to domestic abuse and other gender-based offences, and that the risk assessment process (and parole process as a whole) should adopt a victim-focused and gendered approach in making decisions.

9.12 These respondents still saw readiness to reintegrate as important. However, some thought this should be considered as a factor in the overall risk assessment while others (mainly individuals) said that it should be considered as a separate (secondary) issue.

9.13 Some respondents also saw challenges in including 'readiness to reintegrate' in the test for parole – they said, for example, that this was a subjective concept that was difficult to define and assess, and that its use could penalise (i) those who did not admit guilt or show remorse (but were nevertheless judged low risk), (ii) those from disadvantaged backgrounds, and (iii) those less able to articulate their feelings and intentions.

9.14 Respondents favouring a test which incorporated both risk and readiness to reintegrate said that this would give a more holistic or balanced view of the individual and their suitability for parole. They also argued that risk and readiness to reintegrate were linked, with successful community reintegration being a key factor in reducing reoffending. While respondents mostly said that 'risk' should still be the priority, some offered views on how these different aspects might be considered as two elements of the same test. Some respondents noted the importance of readiness to reintegrate being well defined and / or well evidenced.

The assessment and decision-making process

9.15 Question 17 asked for any other views on the assessment and decision-making process around release. This was an open question with respondents prompted to consider other aims that should be reflected, improvements that could be made, or changes in how risk is considered. The comments made at this question covered a range of issues, and the sections below present the main themes identified.

9.16 Respondents commonly called for a broader approach to understanding and assessing risk and the decision whether to grant parole. However, this meant different things to different respondents:

- Respondents of all types called for an approach that took account of a full range of factors and evidence – behaviour, conduct and attitudes in prison, engagement with rehabilitation opportunities, family circumstances, prospects on release, offence and offending history, etc.
- A range of respondents (local justice organisations, statutory justice bodies, and some individuals) called for a more thorough, better informed, more structured approach to risk assessment, using high quality evidence compiled over time.
- Victim support organisations and family / friends of victims stressed the need for an approach that takes account of victims' views and perspectives, and adopts a victim and trauma-informed approach to assessing risk, particularly in relation to domestic abuse offences.
- A range of respondents (local justice organisations, statutory justice bodies, justice sector professionals, organisations working with prisoners, and some individuals) called for a forward looking, pragmatic and enabling approach to decision-making about parole. This would focus more on current conduct and behaviour of the individual and their circumstances as a whole and less on completion of programmes and formal risk assessment methodologies. It would consider how release could be made possible and successful for the individual concerned.

9.17 Some respondents commented on who should be involved in or contribute to parole decision-making. Organisations working with prisoners and family / friends of those with experience of custody wished to see input from 'independent' third party experts, but also more input from professionals who know the person in custody well, and the families (and children) of offenders. Additionally, victim support organisations and family / friends of victims suggested the need for more input from victims at all hearings, while justice

professionals suggested the need for more input and evidence from a wider range of professionals.

9.18 It was suggested that risk assessment and other information should all be available and considered ahead of hearings, and that the Parole Board should take a more active role in ensuring that all the required information for decision-making was available at a hearing.

Individuals with experience of custody

9.19 Questions 15, 16 and 17 in the prison questionnaire were worded differently to the questions in the online questionnaire.

Question 15: Do you think there should be one single rule for deciding if someone in prison can be safely given parole, no matter the type of sentence?

Question 16: Should the test for release focus only on how risky a person is, or also if that person is ready to live safely in the community?

Question 17: Do you have any other views on how decisions should be made about release? For example, do you think there are any other improvements that could be made?

A single rule for deciding if someone can be safely given parole

9.20 At Question 15, most individuals with experience of custody thought there should be different tests depending on sentence type. Of the 120 respondents who replied:

- 24 said 'yes – a single test for all cases is a good idea'
- 71 said 'no – there should be different tests depending on sentence type'
- 19 said 'other'
- 6 said 'not sure / no opinion'.

9.21 Those who said there should be a single test thought that everyone should be treated the same, or that the same principles should be applied to all cases. They also said that a single test would be easier for everyone to understand and would help with decision-making in individual cases.

9.22 Among those who thought there should be different tests depending on sentence type, some said that this was right because different sentence types (or offence types) had different levels of risk – with some highlighting offences such as sexual offences as requiring a specific approach. However, it was more common for respondents to say that each potential case for parole should be considered individually or looked at on an individual basis, taking account of the offence, as well as individual circumstances including conduct and progress made in prison. Comments often suggested that respondents had understood this question to be asking about how individual cases should be assessed, and the factors and evidence that should be taken into account in reaching decisions. Those who selected other response options ('other' or 'not sure / don't know') generally offered similar views to these.

Focus of the test(s) for release

9.23 At Question 16, most individuals with experience of custody thought that test(s) for release should focus on whether someone is safe to leave prison and whether they are ready to live a good life in the community. Of the 124 respondents who replied:

- 19 said 'the test(s) should continue to focus on risk'
- 77 said 'the test(s) should check if someone is safe to leave prison and also ready to live a good life outside prison'
- 20 said 'other'
- 8 said 'not sure / no opinion'.

9.24 Those who said the test(s) should continue to focus on risk made three main points:

- It would be difficult to define and assess readiness to live safely (or be reintegrated) in the community – some said they were unclear about the difference between how 'risky' a person is and whether a person is 'ready to live safely in the community'.
- Whether someone was ready to live safely in the community depended on factors outwith the control of individuals being considered for parole (such as the availability of employment opportunities and housing on release, access to programmes and courses in custody, and availability of support and management in the community).
- It was not justifiable to keep people in prison who were judged to be safe to release just because they had not demonstrated a readiness to reintegrate – there could be understandable reasons for this, particularly for long-term prisoners.

9.25 Those who favoured a test (or tests) that checked if someone is safe to leave prison and also ready to live a good life outside prison said that it was important to assess all factors in considering a person for parole and / or that readiness to live a good life was an integral factor in assessing how safe someone is to leave prison. There was a general view that readiness to live a good life was key to preventing future breaches of parole conditions or reoffending. Respondents said it was important to ensure that those considered safe to leave prison were also equipped to live a positive life – that they have housing and a support network, and that appropriate management arrangements are in place. However, there were concerns about the opportunity to make progress while in custody and demonstrate 'readiness to live a good life' because of problems accessing programmes and courses, and open prison places.

9.26 Those offering other views generally thought that readiness to live a good life should be seen as the priority (or sole) test in parole decisions. These respondents thought that conduct while in prison, engagement with rehabilitative requirements, and arrangements in place for the person on release should be the key factors in deciding on parole. These respondents often also expressed concern about the importance attached to assessing 'risk' in the parole process as they thought this was a subjective or 'abstract' concept, and difficult to assess in a reliable way; some respondents also suggested that the current approach was 'risk averse'.

Other views on the assessment and decision-making process around release

9.27 The main themes in the comments at Question 17 made by individuals in custody were similar to those in comments made by other respondents. The views expressed are summarised below.

- Parole decision-making should take a more individualised approach. Decisions should be based on full information about the individual and their circumstances. This included taking account of behaviour, conduct and progress made while in custody, as well as family and home circumstances, and plans for return to the community. There was a view that the current approach to risk assessment was flawed and did not give fair consideration to whether someone in custody could be safely released.
- Parole should be granted more readily and more often. It was pointed out that the current test(s) did not require to be met 'beyond reasonable doubt', and suggested that the general approach should be based on looking for reasons to give rather than deny parole.
- The Parole Board should take more account of the views of professionals who know the individual in custody well (e.g. community social workers, and personal officers in prisons), rather than relying on formal reports from those who are not very familiar with the individual.
- Those being considered for parole should be able to speak with Parole Board members ahead of hearings.

10. Progress review hearings (Q18–21)

Key points from Chapter 10

- ◆ There was support, mainly from individuals (including those with experience of custody), for giving the Parole Board the power to conduct post-release progress hearings. However, organisations – including those who supported the idea in principle – raised a range of concerns, seeing it as potentially duplicating the role of justice social work.
 - ◆ If post-release progress hearings are introduced, respondents were most in favour of the Parole Board being able to vary licence conditions. Those with experience of custody and a range of other individuals thought the Board should relax conditions for those making good progress and that recall to prison should be seen as a last resort.
 - ◆ There was a range of views about how long after release a progress hearing should be held and how frequent they should be. However, it was common for respondents to say that such hearings should only be held if needed, on a case-by-case basis, and / or that they should be held less often if a person is doing well.
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10.1 In response to the findings of a consultation carried out in 2019,¹³ the Scottish Government proposed the introduction of review hearings to allow the Parole Board to monitor an individual's compliance with licence conditions in the months following release. Such a procedure is in place in other jurisdictions including New Zealand. However, the impact of the Covid-19 pandemic on prison, parole, policy and social work resources prevented further development of this type of approach, and the current consultation indicated the intention of revisiting this topic.

10.2 The consultation contained four questions inviting views on the principle of introducing post-release progress hearings and how these might operate.

Question 18: In principle, do you support the idea of giving the Parole Board for Scotland the power to require post-release progress hearings, at which they can take action based on the person's progress while in the community on parole?

Question 19: If progress hearings were introduced, what changes do you think the Parole Board should have the power to make, based on the person's progress while in the community on parole?

Question 20: If progress hearings were introduced, how long after someone is released on parole should the Board have the power to call a progress hearing for them?

Question 21: If progress hearings were introduced, how frequently should the Board have the power to call a progress hearing for someone on parole in the community?

10.3 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

¹³ [Transforming Parole in Scotland: consultation report](#).

Organisations and individuals with no experience of custody

The power to require post-release progress hearings

10.4 Question 18 asked respondents if they supported giving the Parole Board the power to require post-release progress hearings. The purpose of these hearings would be to monitor progress and take appropriate action following the release of an individual on parole. Table 10.1 shows that:

- Overall, 58% of respondents said 'yes', and 25% said 'no'.
- A relatively high proportion of respondents said 'other' or 'not sure / no opinion'.
- The overall pattern of response was similar among organisations and individuals, although organisations were more likely than individuals to say they were 'not sure'.

Table 10.1: Q18 – Do you support the idea of giving the Parole Board the power to require post-release progress hearings?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	9 (53%)	38 (59%)	47 (58%)
No	4 (24%)	16 (25%)	20 (25%)
Other	– (0%)	6 (9%)	6 (7%)
Not sure / no opinion	4 (24%)	4 (6%)	8 (10%)
Total	17 (100%)	64 (100%)	81 (100%)

* Individuals with no experience of custody

10.5 The 21 campaign respondents said 'yes' at Question 18.

10.6 The groups most in favour of giving the Parole Board the power to require post-release progress hearings were victim support organisations (all of which said 'yes'), and justice professionals (around three-quarters of whom said 'yes'). There was less consensus among other respondent groups.

10.7 Those who supported the proposal thought post-release progress hearings would:

- Identify problems early and enable more support to be put in place if required
- Recognise progress and provide positive feedback
- Help keep individuals motivated and accountable after release
- Reassure victims about the ongoing monitoring of an individual released from prison.

10.8 These respondents thought post-release progress hearings had the potential to reduce reoffending and recalls. However, some who supported the idea in principle also had questions or concerns, and these are discussed below together with the views of respondents who did not support, or were unsure about, the idea of post-release progress hearings.

10.9 Those who did not support the proposal – and those who were unsure – expressed uncertainty about the benefits of post-release progress hearings, given that community-based social workers already have responsibility for monitoring the progress of paroled individuals. There were concerns about duplication of effort, increased administrative burden and costs, and the potential to undermine the role of frontline professionals who are (they thought) best placed to monitor risk, and support an individual's reintegration.

10.10 There were also concerns about the impact of post-release progress hearings on individuals on parole. Family / friends of individuals with experience of custody and a range of organisations thought post-release progress hearings could be perceived as a form of ongoing punishment and surveillance, creating uncertainty and stress for people on parole, and making reintegration harder. These respondents said rehabilitation would be better supported by access to community services (housing, employment and health), not repeated appearances before the Parole Board – unless there is evidence of an increasing risk of reoffending. If a person is doing well in the community, it was unclear what purpose such hearings would serve. There were also concerns that this proposal would result in more frequent recalls.

The role of the Parole Board in post-release progress hearings

10.11 Question 19 asked respondents what changes they thought the Parole Board should be able to make to someone's parole (based on their progress in the community) if post-release progress hearings were introduced. Table 10.2 shows that:

- Overall, 71% of respondents said the Parole Board should be able to vary the detail of existing licence conditions, 47% said it should be able to impose new licence conditions, and 47% said it should be able to recall the person to custody.
- The overall pattern of response was similar among organisations and individuals. However, compared with individuals, a relatively large proportion of organisations (7 out of 17) said 'other'.

Table 10.2: Q19 – If progress hearings were introduced, what changes do you think the Parole Board should have the power to make?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Vary the detail of existing licence conditions	11 (65%)	44 (72%)	55 (71%)
Impose new conditions	10 (59%)	27 (44%)	37 (47%)
Recall person to custody	9 (53%)	28 (46%)	37 (47%)
Other	7 (41%)	10 (16%)	17 (22%)
Not sure / no opinion	– (0%)	5 (8%)	5 (6%)
Base**	17	61	78

* Individuals with no experience of custody

** This is the number of respondents who selected at least one option. Total percentages are not shown as respondents were able to select more than one option.

10.12 The 21 campaign respondents said 'other' in response to Question 19.

10.13 It was common for respondents to select all three main options at Question 19 (around half of all respondents did this) and to say that all the suggested options were ‘logical’ and would give the Parole Board flexibility, depending on a person’s progress.

10.14 Some respondents, however, selected only one option, and in most cases, this was ‘vary the detail of existing licence conditions’. These respondents said that the Parole Board should have the ability to either relax existing conditions if a person is doing well in the community, or strengthen conditions if their risk is increasing.

10.15 In general, respondents who said ‘other’ at Question 19 restated their views that they did not support the Parole Board having the power to require post-release progress hearings. Most of these did not tick any of the three options offered. However, some noted that the Parole Board already has all the powers mentioned and can use these when a social worker submits a breach / ‘change to licence’ report to the Board.

The timing of progress hearings

10.16 Question 20 asked respondents how long after someone is released on parole should the Parole Board be able to call a post-release progress hearing (if such hearings are introduced). Table 10.3 shows that:

- Overall, 30% of respondents said ‘one year’, 11% said ‘less than one year’, 5% said ‘a set time period longer than one year’, and 20% said ‘the full length of the person’s parole’.
- The most common option selected by individuals was ‘one year’; however, none of the organisations selected this option. Half of organisations (8 out of 17) said ‘other’.

Table 10.3: Q20 – If progress hearings are introduced, how long after someone is released on parole should the Board be able to call a progress hearing?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
1 year (like New Zealand model)	– (0%)	24 (39%)	24 (30%)
Less than 1 year	1 (6%)	8 (13%)	9 (11%)
A set time period longer than 1 year	– (0%)	4 (6%)	4 (5%)
The full length of a person’s parole	5 (29%)	11 (18%)	16 (20%)
Other	8 (47%)	9 (15%)	17 (22%)
Don’t know / no opinion	3 (18%)	6 (10%)	9 (11%)
Total	17 (100%)	62 (100%)	79 (100%)

* Individuals with no experience of custody

10.17 The 21 campaign respondents said ‘other’ in response to this question.

10.18 Those (nearly all individuals) who thought progress hearings should be introduced at specific times (‘one year’, ‘less than one year’ or ‘a set time period longer than one year’) said their chosen timeframe ‘seems about right’, and would give an individual time to reintegrate and build their life again. Those in favour of longer timeframes (one year or more) thought that if the individual had not re-offended in this time, they were unlikely to do so at all, and therefore the time between progress hearings could be lengthened. Those

who supported a shorter timeframe (less than one year) saw the initial months after release from prison as a time of high risk and thought a progress hearing in this period would help identify any issues at an early stage.

10.19 Respondents who thought the Parole Board should be able to call hearings over the full length of a person's parole said that if a person's circumstances changed, or their risk in the community appeared to be increasing, a progress hearing should be called. Some in this group suggested that an initial early review (e.g. within a year of release) should be held, but thereafter, review hearings could be arranged annually – or as needed – for the full length of a person's parole.

10.20 Many respondents who answered 'other' or 'don't know' at Question 20 had said 'no' or 'not sure' at Question 18 and were either not in favour of introducing progress hearings or were uncertain about their purpose. This group thought a clear, evidence-based rationale was needed to justify their introduction and determine their timing. Some said that, if such hearings are introduced, their timing should be flexible – determined by need (i.e. based on sentence type and / or evidence of increasing risk) – and not set at specific timescales. An alternative suggestion was that progress hearings could be scheduled to coincide with the review timescales set for specific sentences in the [national throughcare guidance](#).

Frequency of progress hearings

10.21 Question 21 asked respondents how frequently the Parole Board should be able to call a post-release progress hearing for someone on parole, if such hearings were introduced. Table 10.4 shows that:

- Overall, 23% of respondents said 'no more than every 3 months', 9% said 'no more than every 6 months', and 4% said 'no more than annually'. In addition, 27% said 'only when a specific reason arises' and 14% said 'as often as the Board sees fit'.
- Half of organisations (8 out of 16) selected 'other' in response to this question.
- Individuals were most likely to favour flexible options – 'only when a specific need arises' or 'as often as the Board sees fit' (29 out of 62 selected one or other of these).

Table 10.4: Q21 – If progress hearings were introduced, how frequently should the Board have the power to call a progress hearing?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
No more than every 3 months	3 (19%)	15 (24%)	18 (23%)
No more than every 6 months	– (0%)	7 (11%)	7 (9%)
No more than annually	– (0%)	3 (5%)	3 (4%)
Only when a specific reason arises	2 (13%)	19 (31%)	21 (27%)
As often as the Board sees fit	1 (6%)	10 (16%)	11 (14%)
Other	8 (50%)	3 (5%)	11 (14%)
Don't know / no opinion	2 (13%)	5 (8%)	7 (9%)
Total	16 (100%)	62 (100%)	78 (100%)

* Individuals with no experience of custody

10.22 The 21 campaign respondents said 'no more than every 3 months'.

10.23 In general, respondents who supported the introduction of post-release progress hearings thought the frequency of hearings should be flexible – determined by the sentence a person had been given, or by the ongoing assessment of their risk in the community – and not set at fixed intervals. Some said hearings should be scheduled at ‘meaningful’ intervals, not continually, routinely or excessively. The timing of each hearing should be tailored to the needs of the individual and focused on public safety.

10.24 Respondents who favoured more frequent progress hearings or regular fixed intervals for hearings thought this would provide a focus for rehabilitation / reintegration efforts and help keep a person on track. Some thought it would be unmanageable to hold progress hearings more often than every three (or six) months. Some also said more frequent hearings could be held in the months / year immediately after a person’s release, but that these could be reduced over time if the person was making good progress.

10.25 Some respondents restated their lack of support for post-release progress hearings by the Parole Board, referring back to their comments at Question 18. This group generally answered ‘other’ or ‘don’t know’ at this question. (See paragraphs 10.9 and 10.10.)

Individuals with experience of custody

10.26 Questions 18 to 21 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 18: Do you think the Parole Board should be allowed to check how someone is doing after they leave prison and take actions based on the person’s needs?

Question 19: If we had meetings to check how someone is doing on parole, what should the Parole Board be allowed to change? (Select all that apply.)

Question 20: After someone leaves prison on parole, how long after that should the Parole Board be allowed to check how this person is doing?

Question 21: If progress hearings were introduced, how often should the Board be able to do them?

Should the Parole Board be allowed to check how someone on parole is doing?

10.27 At Question 18, most individuals with experience of custody supported the idea that the Parole Board should be able to check how someone is doing after they leave prison and take actions based on the person’s needs. Of the 124 respondents who replied:

- 81 said ‘yes’
- 26 said ‘no’
- 7 said ‘other’
- 10 said ‘not sure / no opinion’.

10.28 Individuals with experience of custody who supported the idea of Parole Board check-ups after release from prison highlighted a range of possible benefits. They thought that having the Parole Board involved in this way would:

- Be an opportunity for the person on parole to get guidance, additional support and encouragement – some said this was the role of the supervising social worker, but thought social workers were failing in this
- Allow the person to show that they are ‘sticking to the rules’ (i.e. the conditions of their parole), perhaps allowing for a reduction in licence conditions as a result
- Address any relationship difficulties the person is having with their social worker which, some said, can have a significant impact on the success of their reintegration
- Allow the Parole Board to assess ongoing risk and provide reassurance to victims.

10.29 In general, these respondents saw the purpose of the proposed Parole Board check-ups as providing people on parole with continued support and encouragement. Note also that some within this group suggested that these proposed check-ups should be required only for people on parole whose risk is increasing, or who are struggling and need additional support. They thought such check-ups should not be necessary for people who are doing well in the community.

10.30 Individuals with experience of custody who answered ‘no’, ‘other’ or ‘not sure’ at Question 18 often made the same point: that it was the responsibility of social work to monitor the progress of a person on parole in the community. It is unnecessary, intrusive, and potentially very resource intensive for the Parole Board to be involved in this way too.

What should the Parole Board be allowed to change at a progress hearing?

10.31 Of the 120 individuals with experience of custody who answered Question 19:

- 90 said ‘change some of the licence conditions’
- 57 said ‘give new licence conditions’
- 30 said ‘recall the person back to prison’
- 18 said ‘other’
- 12 said ‘not sure / no opinion’.

10.32 Respondents made three main points in their comments:

- The Parole Board should be able to relax licence conditions for those who are doing well and complying.
- If new issues arise, the Parole Board should have the ability to add new conditions.
- If the person isn’t complying with their licence conditions, the Parole Board should find out why and put additional supports in place to help them succeed. Recalling the person to prison should be a last resort.

10.33 Some concerns were also expressed, including that a person’s progress cannot be assessed in a single meeting; that people should not be able to be recalled based on a meeting with the Parole Board if they are complying with their licence conditions; and that any decisions to recall a person should be based on evidence of a serious breach of conditions and not just the opinion of a social worker.

How long after leaving prison should a progress hearing be held?

10.34 Of the 121 individuals with experience of custody who answered Question 20:

- 48 said 'one year (like in New Zealand)'
- 15 said 'less than one year'
- 1 said 'longer than one year'
- 27 said 'the full length of a person's parole'
- 17 said 'other'
- 13 said 'don't know / no opinion'.

10.35 Respondents who thought that a progress hearing should be held one year after release from prison thought this timescale would be 'fair', or 'adequate', and would provide enough time for someone to adapt to their new life and situation outside prison.

10.36 Those who thought a hearing should be held less than one year after release said that this would be enough time to check if the person is complying with their conditions.

10.37 Those who thought a hearing (or hearings) should be held over the full length of a person's parole gave two main reasons. They said the Parole Board should regularly check in on how a person is doing and help them if they need it, and that the Board should make sure a person is still complying with their licence conditions during the whole period of their parole.

10.38 Other views (mainly expressed by those who said 'other' or 'don't know') were varied. Some said the timing of a hearing should be determined on a case-by-case basis (dependent on the person or their offence). Others suggested that an early hearing (at 3 or 6 months after release) might be helpful to address any issues, but that the frequency in hearings should decrease over time. Some also suggested that post-release check-ups should be left to social workers.

How often should the Parole Board be able to have progress hearings?

10.39 At Question 21, there was a preference among individuals with experience of custody for progress hearings to be held at relatively short intervals. Of the 120 who replied to this question:

- 35 said 'no more than every 3 months (like in New Zealand)'
- 24 said 'no more than every 6 months'
- 8 said 'no more than annually'
- 14 said 'only when there is a specific reason'
- 18 said 'as often as the Board thinks is needed (i.e. no limit)'
- 11 said 'other'
- 10 said 'not sure / no opinion'.

10.40 Those who favoured more frequent progress hearings (e.g. no more than every 3 or 6 months) saw these intervals as 'fair', 'sufficient' but 'not intrusive'. They gave the following reasons for supporting shorter time periods between hearings:

- It will help the person to stay on track and / or get additional support if they need it.
- It allows everyone to see the progress the person has made and help them continue to move forward in life.
- It would allow the Parole Board to form their own opinion about a person's progress, rather than relying on social work reports.
- Any longer than 3 (or 6) months increases the risk of reoffending.

10.41 Those in favour of annual progress hearings thought this interval was adequate – particularly for those assessed as low risk – unless a specific concern had been identified. Those who selected 'other', or who thought that the frequency of hearings should be 'when there is a specific reason' or 'as often as the Board thinks is needed' generally made one of two comments:

- The interval between meetings should set on a case-by-case basis, depending on the person and / or the offence they had committed.
- Meetings should only be held if there is a problem or when the supervising social worker recommends one.

11. Parole Board composition (Q22–23)

Key points from Chapter 11

- ◆ There was a lack of consensus on whether the law should be changed to require certain professions or expertise to be represented on an oral hearing panel.
 - ◆ The most common suggestions for inclusion, should a legal requirement be introduced, were health professionals, psychologists, social workers, and legal professionals.
 - ◆ Some respondents suggested that panels should include victims or victims' families (or groups representing their perspective) and those with experience of the parole system.
-

11.1 Currently, oral parole hearings are used for all persons serving an indeterminate sentence and may be used for other types of cases too. Oral hearing panels typically comprise three members. This must include one legally qualified individual who acts as chair of the panel, and others drawn from a range of professional backgrounds, such as psychology, social work, police or criminal justice. The consultation paper noted that some stakeholders value the flexibility and the ability to tailor panels to particular cases offered by the current system, while others think that requiring the inclusion of members with particular experience or expertise will offer a more consistent, balanced, and informed approach to decision-making.

11.2 The consultation included two questions on these issues.

Question 22: Should the law require that certain professions or expertise must always be represented on a Parole Board oral hearing panel?

Question 23: If specific professions or expertise were to be required at Parole Board oral hearings, which specific professions or expertise do you feel should be included?

11.3 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

Representation on a Parole Board oral hearing panel

11.4 Question 22 asked respondents if they thought the law should require certain professions or expertise to always be represented on Parole Board oral hearing panels. Table 11.1 shows that:

- Overall, 45% of respondents said 'yes' (specific backgrounds / expertise should be required by law), while 39% said 'no' (panel composition should remain flexible).
- Organisations were more likely than individuals to say 'no' (half of organisations said 'no' compared to a third of individuals), while individuals were more likely to say 'yes'.

Table 11.1: Q22 – Should the law require that certain professions or expertise must always be represented on a Parole Board oral hearing panel?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	6 (33%)	30 (48%)	36 (45%)
No – flexible panel composition	9 (50%)	22 (35%)	31 (39%)
Other	1 (6%)	2 (3%)	3 (4%)
Not sure / no opinion	2 (11%)	8 (13%)	10 (13%)
Total	18 (100%)	62 (100%)	80 (100%)

* Individuals with no experience of custody

11.5 The 21 campaign respondents said ‘no’ at Question 22. They thought there should continue to be flexibility in the composition of the Parole Board panel.

11.6 Respondents who thought the law should require certain professions or expertise to be represented on oral hearing panels gave two main reasons for their views. First, they thought this could ensure an appropriate and balanced range of representation on panels which would facilitate well-informed, well-evidenced decision-making. Second, they thought this would enhance fairness and consistency in decision-making, and build public trust in the system, something that was of particular importance to family / friends of both victims and prisoners.

11.7 Some respondents were concerned that assembling panels in line with any legal requirements may prove impractical. (Note that respondents who favoured flexibility also expressed a similar concern that requiring the inclusion of particular experts / expertise may contribute to delays in convening hearings.)

11.8 Respondents who favoured flexibility in panel membership saw benefits in having different backgrounds represented on different panels, and thought that diversity was a strength of the current arrangements. Respondents also commonly said that panel composition should depend on the case under consideration.

11.9 It was also pointed out (by a statutory justice body) that panel members were provided with necessary expert evidence in the dossier for each hearing.

Specific professions or expertise to be included on parole panels

11.10 Question 23 asked which professions or expertise should be included if the law were to require certain professions or expertise to be represented on oral hearing panels.

11.11 The most common suggestions were:

- Health professionals including doctors, psychiatrists, mental health professionals (including addiction and substance misuse workers) in order to understand the mental health of the person being considered for parole
- Psychologists (clinical and forensic) who could understand issues related to behaviour and risk

- Social workers (community and prison) to provide expertise on available support and risk management arrangements
- Legal professionals (lawyers, human rights / children's rights experts, ex-judges and sheriffs) in order to safeguard due process and ensure compliance with the law.

11.12 Other suggestions included the following:

- Risk assessment experts – with some respondents suggesting that current risk assessments provided by social work colleagues were insufficient to allow informed decisions to be taken
- Those with experience of working with offenders in prison or in the community – suggestions included current staff, including those with experience of working with the individual being considered for parole, as well as former staff such as retired prison governors
- Police officers
- Victim advocates or organisations supporting victims (note, however, that there was an alternative view that victim support organisations should be independent of the decision-making panel to avoid conflicts of interest)
- Ex-offenders with experience of prison and parole.

11.13 In terms of expertise, respondents said that panel members should have appropriate knowledge and understanding of (or receive training in) matters such as risk assessment and management and rehabilitation. Understanding of victim perspectives and gender-based offending was also mentioned, particularly by victim support organisations and the family / friends of victims. There was a broad view that panels should have a balance of expertise (legal, risk, rehabilitation and reintegration) given the specialist nature of the role and the implications of decisions for public safety, and that this would give confidence in the decision-making process.

11.14 However, there was also a contrasting view, expressed mainly by individuals, including family / friends of those with experience of custody and justice professionals, that the panel should include (or be comprised of) lay members or members of the public.

Individuals with experience of custody

11.15 Questions 22 and 23 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 22: Should the rules say that certain types of experts must always be part of the group that decides if someone can leave prison on parole?

Question 23: If we always need certain types of people in the group that decides if someone can leave prison early, what kind of jobs or experts do you think should be there?

Whether certain experts should be on the group that decides about parole

11.16 At Question 22, most individuals with experience of custody thought that some experts should always be part of the group that decides on parole. Of the 123 respondents who answered:

- 64 said 'yes – some experts (like doctors or social workers) should always be part of the group that decides if someone can leave prison on parole'
- 39 said 'no – oral hearing panel should stay flexible'
- 10 said 'other'
- 10 said 'not sure / no opinion'.

11.17 Those who thought there should be a rule on having certain types of experts in the group that decides on parole thought that this would offer better insights, achieve better, more balanced decisions, and improve consistency and transparency in the system.

11.18 Those who did not think there should be a rule of this type made two main points: that flexibility offered scope to include a range of experts; and that the panel composition for any specific hearing should be determined by the nature of the case and the circumstances of the individual involved. There was also a concern that a requirement to include specific experts may introduce (further) delays into the system.

Who should be on the group that decides if someone can leave prison early

11.19 At Question 23, the views of individuals with experience of custody largely echoed the views of other respondents. (See paragraphs 11.10 to 11.14.) The most common suggestions about who should be on hearing panels were: (i) health professionals, including doctors, psychiatrists, mental health professionals; (ii) psychologists; (iii) social workers (community and prison); and (iv) legal professionals.

11.20 Other jobs or experts mentioned less often included: the police (retired and serving); risk experts; people who work with offenders; MSPs; teachers and academics; and faith representatives.

11.21 Respondents often also said that those involved in making decisions about parole should be familiar with the individual being considered for parole, either from their time in custody or from working with them in the community. In this context, respondents often said that prison staff and personal officers in particular, should be involved in, or contribute to, the decision-making process as they knew those in custody best.

11.22 Some respondents specifically queried the inclusion of doctors and social workers -- the experts named in the question. They said that these professionals were not legal experts and should not make decisions about parole, while others were critical of their experience of social workers, in particular, in relation to the parole system. There was also a view that the panel should not be made up of 'experts', but instead should include the public, victims or victims' families, or those with experience of being in custody.

11.23 Some respondents made suggestions such as 'family members' and 'defence lawyer'. These respondents may have thought the question was asking about who should be present at a hearing, rather than who should be part of the decision-making panel.

12. Factors considered in making parole decisions (Q24)

Key points for Chapter 12

- ◆ There was no clear view on whether there should be any changes to the factors that should be considered in making decisions on parole.
 - ◆ Respondents who endorsed current arrangements said that the current list of factors for consideration (included in the Victims, Witnesses, and Justice Reform (Scotland) Act 2025) was sensible and fair, and gave flexibility to consider any factors deemed relevant. However, there was a view that the Parole Rules should state that the listed factors **must** be considered, rather than **may** be considered.
 - ◆ Other respondents said that further clarification or specification was required on what was covered by the factors for consideration, the weight that should be attached to different factors, and how they should be evidenced.
 - ◆ Individuals with experience of custody mentioned three main things the Parole Board should think about when making decisions about release: engagement with rehabilitation and other opportunities while in custody, behaviour and conduct, and the circumstances to which the person was likely to return to in the community.
-

12.1 The consultation paper explained that the Parole Board considers all relevant information in making decisions about parole. The Board may also consider a range of factors set out in the Parole Rules. The [Victims, Witnesses, and Justice Reform \(Scotland\) Act 2025](#) introduced some changes to these factors – including provisions (implemented as changes to the Parole Rules in March 2026) that make it a legal requirement that the Board must consider whether the person in prison has not disclosed information about where or how the victim's remains were disposed, and the impact of release on the safety and security of the victim and their family.

Question 24: Do you believe that there should be any further changes to the current list of factors, set out above, which may be taken into consideration by the Parole Board when making a decision on a prisoner's release?

12.2 Respondents' views on this question are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

12.3 In relation to Question 24, a range of respondents endorsed the current list of factors that may be taken into consideration by the Parole Board. They said, for example, that further change should not be made or that the current list was sensible and fair. Some pointed out that the current rules gave the Parole Board the flexibility to consider any factors deemed relevant to a case. Other respondents (including organisations and justice sector professionals) did not comment on the substance of the current factors but thought

that the rules should state that the listed factors **must** be considered, rather than **may** be considered.

12.4 The comments made by other respondents were wide ranging and often detailed or specific in nature. Respondents often suggested that further clarification or specification was required on what the factors covered, the weight that should be attached to different factors, and how they should be evidenced. For example:

- A range of respondents suggested that the factors should more clearly address whether a person was ready to reintegrate into the community and how that was going to be successfully and realistically achieved. This included consideration of an individual's conduct and engagement with rehabilitation support in custody, whether a person had a family, home and employment to return to, and the support and supervision arrangements in place.
- Some respondents (particularly organisations providing support to prisoners, justice professionals and family / friends of those with experience of custody) wished to see more emphasis on rehabilitation and readiness to safely reintegrate and less emphasis on formal risk assessments, or the nature of the offence (and any related admissions of guilt, maintenance of innocence, or expressions of remorse). In contrast, other respondents thought there should be more emphasis on risk and public protection, and that the factors should provide further detail on how this should be considered.

12.5 There were also some specific comments on factor (e) relating to the withholding of information about the whereabouts of a victim's remains. While some respondents (including family / friends of victims and victim support organisations) thought this should be prioritised, other respondents (particularly family / friends of those with experience of custody) said that this factor penalised those who maintained their innocence.

12.6 In addition, some respondents called for greater transparency about the factors considered in individual decisions.

Individuals with experience of custody

12.7 Question 24 in the prison questionnaire was different to the online questionnaire.

Question 24: Do you think the Parole Board should think about anything else when deciding if someone can leave prison early?

12.8 Individuals with experience of custody mentioned three main things the Parole Board should think about when making decisions about release on parole:

- Engagement with rehabilitation and other opportunities while in custody, and progress made towards rehabilitation
- General behaviour and conduct while in custody

- The situation that the person was likely to return to in the community – i.e. accommodation and employment, the presence of a supportive family, whether appropriate management and support is available.

12.9 In relation to the first point above, respondents noted how difficult it can be to get a place on prison-based programmes and said that individuals should not be penalised for not having done particular courses, given the limited places available.

12.10 In addition to the three main points above, respondents also mentioned (i) the individual's offence and their offending history; (ii) the risk the individual presented and whether that could be managed, and the impact their release might have on the victim(s); (iii) the individual's health – usually mental but also physical; and (iv) the impact of continued custody on the individual and the individual's family and children.

12.11 Some respondents did not offer specific suggestions but said the Parole Board should consider 'everything' or consider everyone on an individual basis.

12.12 It should be noted that many of the things mentioned by respondents are, potentially, covered by the factors currently listed for consideration, and it was not clear from the responses whether those who commented on this issue were familiar with current arrangements.

12.13 Among other respondents who commented at this question, some simply answered 'no', while others said they were unsure or did not feel able to comment because they did not know what the Parole Board currently considers in making its decisions.

13. Review and appeal (Q25)

Key points from Chapter 13

- ◆ A majority of individuals – both those with and without experience of custody – said that any formal appeal process for parole decisions should be for the person in prison only.
 - ◆ Organisations did not express a clear consensus on who should be able to request a formal appeal of a parole decision.
 - ◆ Concerns were raised about the costs of introducing an appeal process – which respondents speculated would be taken up on a widespread basis.
-

13.1 The consultation document explained that there is currently no appeal process for parole decisions. The only way a person in prison can challenge a Parole Board decision (in particular, a decision not to release them from custody) is by seeking a judicial review. The Parole Rules allow for internal review of decisions where there has been an administrative error or procedural defect. In addition, section 10 of the [Bail and Release from Custody \(Scotland\) Act 2023](#) will, when implemented, allow reconsideration of release decisions before the person is released, where additional information comes to the attention of the Board. Responses to the Scottish Government's [2019 consultation on parole](#) indicated support for the introduction of a review and appeal process, but the COVID pandemic delayed taking this forward. The current consultation sought views on whether this issue should be revisited.

Question 25: What are your views on exploring a means to develop a formal review and appeal process for parole decisions, and who could this apply to? Please explain your answer.

13.2 Respondents' views on this question are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

13.3 Question 25 invited views on the possible development of a formal review and appeal process for parole decisions, and whether this would apply to the person in prison, the victim, or both. Table 13.1 shows that:

- Overall, 21% of respondents said that any formal appeal process should be for both the person in prison and the victim, 46% said it should be for the person in prison only, and 9% said it should be for the victim only.
- Half of individuals (32 out of 64) thought an appeal process should be for the person in prison only. By contrast, organisations expressed no clear preference.

Table 13.1: Q25 – What are your views on developing a formal review and appeal process for parole decisions, and who could this apply to?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Formal appeal process for person in prison and the victim / survivor	4 (24%)	13 (20%)	17 (21%)
Formal appeal process for person in prison only	5 (29%)	32 (50%)	37 (46%)
Formal appeal process for victim / survivor only	1 (6%)	6 (9%)	7 (9%)
Current system is sufficient	3 (18%)	5 (8%)	8 (10%)
Other	4 (24%)	2 (3%)	6 (7%)
Not sure / no opinion	– (0%)	6 (9%)	6 (7%)
Total	17 (100%)	64 (100%)	81 (100%)

* Individuals with no experience of custody

13.4 The 21 campaign respondents said that a formal appeal or review process should be introduced, but only for the person in prison.

13.5 As can be seen from Table 12.1, the most common view was that a formal review and appeal process should be made available for the person in prison only. Respondents who supported this view gave three main reasons for favouring this approach:

- A statutory right of appeal would improve transparency, increase public trust, safeguard against wrongful convictions, and bring the parole system into line with other quasi-judicial systems (e.g. mental health tribunals, social security appeals).
- An appeal process offers the chance for further relevant information not available at the parole hearing to be considered.
- Victims are neither independent nor experts in risk assessment and should therefore not be allowed to appeal parole decisions. If they were allowed to appeal, then all decisions to grant parole would be challenged.

13.6 Individuals and organisations who favoured a formal review and appeal process for both the person in prison and the victim argued that:

- If everyone gets to have their voice heard it will lead to more understanding and acceptance of the Parole Board's decisions and greater public confidence overall.
- Both those in prison and victims are vulnerable to procedural errors and misjudgements and so it is difficult to justify restricting it to those in prison only.
- It would give victims a voice beyond making representations and redress the current situation which can leave victims feeling they have not been able to challenge decisions or contribute meaningfully to the parole process.

13.7 There was widespread comment – from respondents who selected each of the response options – that if an appeal process was available, many Parole Board decisions would be appealed. This would lead to disproportionate expenditure, increased workloads, additional time pressures and negative impacts for the justice system more generally.

Individuals with experience of custody

13.8 Question 25 in the prison questionnaire was worded differently in the online questionnaire.

Question 25: Do you think there should be a rule that lets people ask for the decision to be checked again? Who should be allowed to do this?

13.9 Most of those with experience of custody said that an appeal process should be introduced only for the person in prison. Of the 123 respondents who answered:

- 28 said 'both the person in prison and the victim or their family should be allowed to ask for a second look (review or appeal process)'
- 67 said 'only the person in prison should be allowed to ask'
- 1 said 'only the victim or their family should be allowed to ask'
- 10 said 'the current system is OK'
- 8 said 'other'
- 9 said 'not sure / no opinion'.

13.10 The arguments in favour of an appeal process only for those in prison were that:

- Those in prison are the people whose lives are affected by the decisions made by the Parole Board. They should be allowed to appeal if they believe a decision is wrong.
- Evidence relevant to the case was not always shared, reported and / or considered by the Parole Board.
- An opportunity to review any judicial decision should always be available.
- Victims are prejudiced against offenders. If they are given a right to appeal they will use it every time and it would stop the Parole Board from ever granting parole.

13.11 The arguments in favour of an appeal process for both those in prison and victims were that:

- The decision of the Parole Board affects both prisoners and victims so it is only fair that they can both call for a review. These two groups have equal rights in regard to the decision, and both groups should be allowed to challenge the ruling.
- This would allow issues that were not disclosed at the original hearing to be discussed.
- Sometimes the Parole Board gets things wrong.

13.12 Respondents offered suggestions on how such a system should be organised. There was also recognition that the introduction of an appeal process could be very resource and labour intensive.

14. Licence conditions (Q26–29)

Key points from Chapter 14

- ◆ Respondents thought there was a need to review and improve the current approach to licence conditions. Individuals in custody, in particular, described current licence conditions as ‘inflexible’, ‘unrealistic’ and ‘overly restrictive’.
 - ◆ There was a general consensus that licence conditions should be explained clearly to offenders due to be released and any others affected, tailored to each individual case and written in plain English. Licence conditions should be reviewed regularly and either relaxed or strengthened in response to the offender’s behaviour and level of compliance.
 - ◆ There was widespread agreement that there should be more – and more ‘joined up’ – services available in the community to assist and support rehabilitation and reintegration. Employment and skills development, housing, substance misuse, and mental health services in particular were highlighted as vitally important in this regard.
 - ◆ Both organisations and individuals – including those with and without experience of custody – thought that there were too many cases of individuals being recalled to prison for minor, or inadvertent breaches.
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14.1 Everyone who is released on parole is placed under the supervision of a community-based social worker and required to comply with licence conditions. These licence conditions help to manage risk and support reintegration. The consultation paper provided details of licence conditions available to the Parole Board and included an annex showing the template used by the Board when recommending licence conditions. The consultation paper noted that some stakeholders are concerned that the current licence conditions available to the Parole Board can be complex and restrictive and do not help to support community reintegration. The consultation included four questions seeking views on the current arrangements and whether there is a need for change.

Question 26: Do you think that the current approach to licence conditions should be reviewed?

Question 27: Do you feel that the language used in licence conditions (see Annex C) is clear and accessible for all people who need to understand and follow them?

Question 28: Do you feel that licence conditions are currently well designed to maximise successful rehabilitation and reintegration?

Question 29: What changes, if any, would make licence conditions more supportive of rehabilitation and reintegration in your opinion?

14.2 Respondents’ views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

14.3 It should be noted that some respondents used Question 26 (on review of licence conditions) and Question 28 (on whether current licence conditions support rehabilitation

and reintegration) interchangeably to discuss concerns they had with current licence conditions and the changes they would like to see. The sections below have, as far as possible, reported comments once in the most appropriate place.

Review of licence conditions

14.4 Question 26 asked respondents if they thought that the current approach to licence conditions should be reviewed. Table 14.1 shows that:

- Overall, 56% of respondents said 'yes', and 21% said 'no'.
- The pattern of response was similar among organisations and individuals, with a majority of both groups saying 'yes'.

Table 14.1: Q26 – Do you think that the current approach to licence conditions should be reviewed?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	10 (63%)	33 (54%)	43 (56%)
No – retain current approach	3 (19%)	13 (21%)	16 (21%)
Other	1 (6%)	1 (2%)	2 (3%)
Not sure / no opinion	2 (13%)	14 (23%)	16 (21%)
Total	16 (100%)	61 (100%)	77 (100%)

* Individuals with no experience of custody

14.5 The 21 campaign respondents said 'yes' at Question 26.

14.6 In their comments, respondents set out a range of qualities and features they were looking for in relation to how licence conditions should work. They thought that licence conditions should be:

- Written clearly and simply and communicated to all those for whom they are relevant (e.g. offenders and their families, victims and their families, supervising social workers)
- Evidence based, applied consistently across cases, and linked directly to the assessed risk factors / category of crime for the specific case
- Enforceable, transparent and proportionate.

14.7 Respondents who thought the current approach should be retained simply affirmed that 'the current approach works well' or that those administering the system (social workers, the Parole Board, etc.) are well informed, know what they are doing, and act in an appropriate and proportionate way.

14.8 Those who wanted current arrangements to be reviewed made the following points:

- Current licence arrangements are 'overly restrictive', 'inflexible' and sometimes 'unrealistic' or 'unworkable'. Respondents highlighted, in particular, restrictions on the individual's ability to work; the use of phones, mobile devices and the internet;

the ability to visit certain places (e.g. licensed premises or a public park); and the freedom to socialise or meet with certain people.

- Licence conditions can give the impression of being punitive and too demanding – as if the individual was being ‘set up to fail’.
- There are too many different licence conditions which made the system confusing and complicated.
- The licence conditions in any specific case should be time-limited and / or reviewed regularly. It was thought that conditions were not updated often enough at present.
- If an individual was doing well, it was suggested that their licence conditions should be relaxed. This could be done at the discretion of the community social worker / parole supervisor without reference to the Parole Board.

14.9 Two additional points were made by specific groups:

- Family / friends of a person in custody said that there were particular problems for those who maintained their innocence throughout their time in custody. It was argued that the current system was based on an ‘assumption of guilt’ and that this was unfair. For example, requiring an offender who had been falsely accused to undertake a course on ‘offender behaviour’ was not appropriate.
- Family / friends of a victim and victim support organisations emphasised the importance of alerting victims to any changes in licence conditions (which, it was said, did not always happen currently). These respondents also highlighted problems with exclusion zones which they said were not monitored effectively or enforced.

Language used in licence conditions

14.10 Question 27 asked respondents if they thought the language used in licence conditions is clear and accessible for all those who need to understand and follow them. Reference was made to Annex C, attached to the consultation document. Table 14.2 shows that:

- Overall, 26% respondents said ‘yes’ and 42% said ‘no’.
- Around one quarter of individuals answered ‘not sure / no opinion’ at this question.

Table 14.2: Q27 – Do you feel the language used in licence conditions is clear and accessible for all people who need to understand and follow them?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	4 (24%)	16 (26%)	20 (26%)
No	9 (53%)	24 (39%)	33 (42%)
Other	3 (18%)	5 (8%)	8 (10%)
Not sure / no opinion	1 (6%)	16 (26%)	17 (22%)
Total	17 (100%)	61 (100%)	78 (100%)

* Individuals with no experience of custody

14.11 The 21 campaign respondents said ‘no’ at Question 27.

14.12 There was consensus among respondents that those who were to be released on licence (together with their families and victims) should have a full and detailed understanding of the licence conditions imposed. This would mean providing an accessible version of the conditions written in plain English and illustrated with reference to real life examples and / or an oral briefing from the supervising officer, the Parole Board, or other suitably qualified person to explain the conditions in detail and answer any questions.

14.13 There was widespread agreement that many offenders find the language used in the current version of the conditions complex, confusing, highly technical, and legalistic. This presents difficulties for individuals with low levels of literacy, learning disability or cognitive challenges of any kind, or mental health issues.

14.14 In addition, a range of respondents argued that some of the language used in the conditions was 'unclear', 'ambiguous', 'vague' or 'subjective'. This could lead to inadvertent breaches, and / or to parole conditions being enforced 'unfairly' or 'arbitrarily'. Examples of this were conditions around social contact, entry into public spaces, and entry into licensed premises.

14.15 A few respondents argued that since the document setting out the details of the license conditions was a legal document, there were limits to how much simplification or 'informal framing' could be adopted. However, there was no barrier to suitably qualified individuals offering verbal briefings and explanations to those affected.

Whether current licence conditions help support rehabilitation

14.16 Question 28 asked respondents if they thought licence conditions are currently well designed to maximise successful rehabilitation and reintegration. Table 14.3 shows that:

- Overall, 22% of respondents said 'yes' and 43% said 'no'.
- Around half of individuals (28 out of 61) said 'no', whereas organisations were more divided in their views – with around a third saying 'yes' and a third saying 'no', and the remaining third split between 'other' and 'not sure'.

Table 14.3: Q28 – Do you feel that licence conditions are currently well designed to maximise successful rehabilitation and reintegration?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	5 (31%)	12 (20%)	17 (22%)
No	5 (31%)	28 (46%)	33 (43%)
Other	3 (19%)	6 (10%)	9 (12%)
Not sure / no opinion	3 (19%)	15 (25%)	18 (23%)
Total	16 (100%)	61 (100%)	77 (100%)

* Individuals with no experience of custody

14.17 The 21 campaign respondents answered 'no' at Question 28.

14.18 Respondents who selected 'yes' simply affirmed that the licence conditions are well designed, that the balance between public protection and rehabilitation is 'right', and that those released on parole receive good support within the community.

14.19 Respondents who selected 'no', thought that the current licence conditions prioritise managing risk over rehabilitation and reintegration. These respondents said that current licence conditions involve disproportionate restrictions which make work and / or family life difficult or impossible for the individual involved, and that they have become 'longer and more convoluted' over time. It was thought that any restrictions needed to be sufficient to manage the risks and safeguard the community, but should not be overwhelming or negatively impact potentially supportive relationships (with families, friends, employers, parole supervisors, etc.).

14.20 Respondents who selected 'not sure / no opinion' offered little additional comment. One respondent said licence conditions were only 'a minor part of rehabilitation' whilst another said there was currently no evidence available on this point.

14.21 The main issue raised by respondents was that, if rehabilitation and reintegration were to be given greater priority, then more support services in the community would be required. In particular:

- Successful rehabilitation and reintegration of individuals requires the support of housing, employment, social work, and mental health services.
- Individuals housed far away from their family, or in homeless accommodation will be isolated and unable to make progress in relation to rehabilitation and reintegration.
- Current licence conditions set unrealistic expectations for those who struggle with substance abuse and addiction. The licence conditions should focus more on the extent to which the individual has engaged with relevant support services.

14.22 However, respondents also said that the provision of services at local level is limited and that this is unlikely to change in the current economic climate.

Changes to licence conditions to make them more supportive of rehabilitation

14.23 Question 29 was an open question that asked respondents about any changes they thought would make licence conditions more supportive of rehabilitation and reintegration.

14.24 To a substantial extent, the comments at Question 29 echoed those made in response to Questions 26 to 28. Respondents emphasised the need for licence conditions that were (i) written in plain English, (ii) tailored to the specific case, (iii) 'realistic', 'proportionate', and 'human rights compliant', (iv) regularly reviewed and adjusted depending on the progress of the individual, and (v) monitored and enforced in a consistent way. There was also widespread agreement that there should be more – and more 'joined-up' – services available in the community, to assist and support with employment and skills development, housing, volunteering, substance misuse, etc.

14.25 In addition, respondents thought recall to prison should be used only as a last resort. Current practice involved the overuse of recall – even for minor breaches – and this could be counterproductive.

14.26 As described above (see paragraph 14.9), the views of (i) family / friends of prisoners and prisoner support organisations and (ii) family / friends of victims and victim support organisations were distinctive. They focused on the treatment of those who

maintained their innocence in the former case and the importance of keeping victims fully informed of any changes to the licence conditions in the latter case.

Individuals with experience of custody

14.27 Questions 26, 27, 28 and 29 in the prison questionnaire were worded differently to the questions in the online questionnaire.

Question 26: Do you think the licence conditions should be looked at again to see if they can be made better?

Question 27: Do you feel that the words used in licence conditions (see Annex C) are easy for everyone to understand and follow?

Question 28: Do you think the way the licence conditions are made helps people stay out of trouble?

Question 29: Do you have ideas for making licence conditions better?

Review of licence conditions

14.28 At Question 26, most individuals with experience of custody thought that licence conditions should be reviewed. Of the 121 respondents who answered this question:

- 88 said 'yes'
- 11 said 'no – they work fine'
- 3 said 'other'
- 19 said 'not sure / no opinion'.

14.29 Respondents said licence conditions should:

- Be able to be explained clearly and simply
- 'Keep people safe but not be overbearing'
- Give a clear timeline for review, to improve motivation to comply.

14.30 There was widespread support for reviewing the licence conditions. The main arguments made were that:

- Licence conditions should be tailored to each individual case. It was thought there were too many standard conditions at present, some of which were unnecessary.
- Licence conditions were too inflexible and too restrictive. They stopped people from progressing and from getting on with work, family and daily life.
- Licence conditions needed to be updated for the modern world, where access to the internet was a basic requirement.
- There were too many licence conditions. They needed to be simplified, reduced and made clearer.

Language used in licence conditions

14.31 Question 27 asked if the words used in licence conditions are easy to understand. Of the 120 individuals with experience of custody who replied:

- 30 said 'yes'
- 41 said 'no'
- 6 said 'other'
- 43 said 'not sure / no opinion'.

14.32 Question 27 referred to Annex C of the consultation document. However, many respondents said that they did not have access to this, and those who chose the 'not sure / no opinion' response option mainly said that they were unable to access Annex C.

14.33 Respondents who chose one of the other response options described the language used in licence conditions as 'not accessible', 'complicated' or 'written in legalese' and noted that some in custody need a lot of help due to their poor reading skills.

Do licence conditions help people stay out of trouble?

14.34 There was no consensus among individuals with experience of custody about whether licence conditions help people stay out of trouble. Of the 122 respondents who answered Question 28:

- 40 said 'yes'
- 43 said 'no'
- 18 said 'other'
- 21 said 'not sure / no opinion'.

14.35 Respondents made the following points:

- Some of the conditions are 'silly', 'impossible to adhere to', 'counterproductive', or 'make people's problems bigger' by increasing their anxiety and stress.
- There are 'too many' conditions for the individual to remember, and so many recalls to prison that the system can't be working properly.
- There should be less emphasis on the licence conditions, and more emphasis on supervision, support, and providing access to community services.
- It would be better to remove all barriers / licence conditions and let the person take responsibility for their own actions when they are on parole.
- The licence conditions are not relevant – some people will always be criminals, and see prison as a 'second home', while others will try to make better lives in the future.

Ideas for making licence conditions better

14.36 Question 29 asked individuals with experience of custody if they had any ideas for making licence conditions better. Comments often echoed points made at Question 26 to 28. Specifically, respondents thought that (i) the licence conditions needed to be clearer, (ii) the conditions should be tailored to the individual, (iii) there were too many conditions

and they were too restrictive / inflexible, (iv) conditions should be regularly reviewed, and (v) there should be more support and supervision and a greater focus on housing and work opportunities.

14.37 An additional theme in the comments was that too many individuals were recalled to prison for minor breaches of licence conditions.

15. Recall to custody (Q30–34)

Key points from Chapter 15

- ◆ There was broad agreement among all respondent types that the Parole Board's current options when considering a request for recall were limited and lacked flexibility.
 - ◆ Respondents thought any additional options for responding to a reported breach in licence conditions should (i) provide increased support, (ii) give people on parole a chance to explain and put things right, and (iii) introduce more restrictions on liberty in the community – instead of recalling people to prison.
 - ◆ Victims, family / friends of victims and victim support organisations thought that any decisions regarding recall should, first and foremost, prioritise victim / public safety.
 - ◆ There was support for the idea of holding a progress meeting as an additional option when the Board is deciding on recall. However, some organisations identified problems with this proposal, noting that such decisions often need to be made very quickly. It was suggested that further discussion with a range of agencies would be necessary to develop this proposal.
-

15.1 Under current arrangements, a person who has been released from prison on licence can be recalled to custody. The recall process may be initiated when a person has breached one or more conditions of their parole licence and may no longer be manageable in the community, and / or because it is deemed to be in the public interest (e.g. due to an increased risk to public safety). The Parole Board has three options when considering a recall request: (i) issue a formal warning letter, (ii) recall to custody, or (iii) take no action.¹⁴ The consultation paper noted a view among stakeholders that a broader range of options could reduce unnecessary returns to custody and improve outcomes for both individuals and communities. Five consultation questions sought views on the current recall process in Scotland, and how this might be improved.

Question 30: What are your views on the options currently available to the Parole Board when they consider a request for recall (warning letter, recall to custody or no action)? (select all that apply)

Question 31: If the Board were to have more options for responding to a potential licence breach or request for recall, what should these be in your opinion?

Question 32: Do you support enabling the Parole Board for Scotland to set a progress hearing as an additional option in cases where the Board are deciding on recall?

Question 33: If recall decisions were to be based on a wider range of factors, which specific issues should be taken into account?

Question 34: If any, what other suggestions do you have for improving the recall process in Scotland?

¹⁴ In addition to this standard process, in cases where there appears to be an immediate need to protect the public, Scottish Ministers may recall an individual to custody without referring the case to the Parole Board.

15.2 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

Options when considering a request for recall

15.3 Question 30 asked respondents for their views on the options currently available to the Parole Board when considering a request for recall. Note that this question allowed respondents to select more than one of the four choices offered; however, none of the organisations or individuals with no experience of custody did so. This may be because these respondents saw the choices as mutually exclusive. Table 15.1 shows that:

- Overall, 32% of respondents said 'the current options are adequate', 42% said 'more options should be available', and 3% said 'one or more of the current options should be removed'.
- The overall pattern of response was similar among organisations and individuals. However, around a third of organisations (5 out of 16) said 'other' at this question.

Table 15.1: Q30 – What are your views on the options currently available to the Parole Board when they consider a request for recall?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
The current options are adequate	4 (25%)	20 (33%)	24 (32%)
More options should be available	5 (31%)	27 (45%)	32 (42%)
One or more of the current options should be removed	– (0%)	2 (3%)	2 (3%)
Other	5 (31%)	6 (10%)	11 (14%)
Not sure / no opinion	2 (13%)	6 (10%)	8 (11%)
Total	16 (100%)	60 (100%)	76 (100%)

* Individuals with no experience of custody

15.4 The 21 campaign respondents said more options should be available.

15.5 Respondents who said 'the current options are adequate' described them as 'good', 'proportionate', and 'appropriate'. These respondents generally provided no additional comment.

15.6 Both organisations and individuals (particularly family / friends of a person in custody) who said 'more options should be available' to the Parole Board when considering a request for recall – and those who said 'other' – made three main points:

- The current options are 'limited', lack flexibility and proportionality, and fail to account for individual circumstances or the severity, context and intent of a potential breach.
- The current options are disproportionately punitive, resulting in too many people being recalled to prison for relatively minor breaches, and thus undermining rehabilitation.

- Unless there is evidence that the risk to the public is imminent, options other than recall should be considered as imprisoning people is costly and damaging to society as a whole – as well as to the individual returning to prison.

15.7 Victim support organisations, and family / friends of victims also thought the options available to the Parole Board should better reflect the seriousness of a breach. These respondents argued that a breach of a licence condition prohibiting contact with a victim or victim's family should always be seen as serious and warrant immediate recall. Some also favoured removing the option of a warning letter in cases involving violent offenders who (they said) should be given strict parole conditions and be expected to comply with them.

Additional options for responding to potential licence breach / recall request

15.8 At Question 31, respondents often provided detailed suggestions about additional options for responding to a potential licence breach. A comprehensive list of these is not provided here. However, most suggestions could be seen as illustrating a relatively small number of general principles:

- **Provide support:** Respondents argued that unnecessary recalls were often related to common issues, such as relapse, mental distress or missed appointments. In their view, these were not public safety threats, but unmet health or social care needs which could be managed safely in the community without recalling a person to prison.
- **Give people a chance to explain:** Respondents thought that, when things go wrong, the Parole Board should get the full picture before deciding to recall someone. This should involve not only receiving reports from social work and / or the police but also allowing the person on parole to give an explanation.
- **Give people a chance to put things right:** Some respondents highlighted a need for better communication between social work and individuals on licence and the need to give people a chance to change in response to a warning letter.
- **Introduce greater restriction on liberty in the community:** Respondents thought the Parole Board should be able to amend a person's licence conditions in response to a breach report, but also that these changes should be proportionate to the reported breach or risk, and able to be relaxed again if the person responds well.

15.9 Respondents argued that many decisions to recall a person to prison are based on low tolerance of risk by public authorities and attitudes to those who offend. They thought that the option to recall should always be grounded in verifiable evidence of the imminent risk of serious harm, not subjective perceptions, and that the reasons for recall need to be explained in writing to the person on parole and their representative.

15.10 Victim support organisations and family / friends of victims often had a different perspective on the level of risk they were prepared to tolerate, and thus the additional options that should be available to the Board. These respondents thought that any additional options made available to the Parole Board should be victim-centred and risk-informed. They argued that mistakes in this area can, and have, cost lives. They made several points:

- Victims should be informed and their views sought if an individual has breached their licence conditions. They should also be informed of the Board's proposed response.
- If the person on licence has breached a condition which is intended to protect women and children, the person should be recalled immediately.
- It is not appropriate for the Parole Board to take no action when an individual breaks a licence condition. Some type of action should always be taken. In cases where 'no action' is ultimately taken, the reason for this should be documented and all relevant parties informed, including victims or their appointed support organisations.
- The effectiveness of a warning letter was questioned – it was suggested that a formal police warning should be issued.

The use of progress hearings as an option when considering recall

15.11 Question 32 asked respondents for their views on enabling the Parole Board to set a progress hearing as an additional option in cases where the Board are deciding on recall. Table 15.2 shows that:

- Overall, 65% respondents said 'yes' and saw progress hearings as a way of providing alternative, individualised options, 13% said 'yes' but thought that progress hearings should not be an opportunity to make a decision on recall, and 10% said 'no', the current options available to the Parole Board are satisfactory.
- The most common response to this question both among organisations and individuals was 'yes, progress hearings will provide alternative individualised options' (8 of out 16 organisations, and 42 out of 61 individuals said this).
- However, compared to individuals, organisations were more likely to say 'other' or 'not sure'.

Table 15.2: Q32 – Do you support enabling the Parole Board to set a progress hearing as an additional option in cases where the Board are deciding on recall?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes – will provide alternative, individualised options	8 (50%)	42 (69%)	50 (65%)
Yes – but not be an opportunity for recall	1 (6%)	9 (15%)	10 (13%)
No	2 (13%)	6 (10%)	8 (10%)
Other	3 (19%)	2 (3%)	5 (6%)
Not sure / no opinion	2 (13%)	2 (3%)	4 (5%)
Total	16 (100%)	61 (100%)	77 (100%)

* Individuals with no experience of custody

15.12 The 21 campaign respondents said 'yes, but the progress hearing should not be an opportunity to make a decision on recall'.

15.13 Respondents who supported progress hearings as an option for the Parole Board when deciding on recall often saw these as an opportunity for the Board to tailor their response to a reported breach for each individual. Other perceived benefits were that:

- Problems could be addressed at an early stage and support provided to stabilise a person's situation in the community, thus preventing unnecessary recall.
- The facts of the case could be explored in detail (including giving the person on parole the chance to explain themselves) before deciding whether to recall.

15.14 Those who were generally supportive of progress hearings being used in potential recall cases made a range of suggestions regarding possible implementation:

- Legal representation should be available to the person being considered for recall.
- The hearings should be supportive, not punitive.
- Hearings should be used at the stage at which recall decisions are being made but should not be used more widely (for example, they should not be used as regular progress hearings as discussed in Chapter 10).
- Impact assessments for the children and families of the person being considered for recall should be carried out as part of the process.

15.15 Other respondents identified issues or potential difficulties with the concept of progress hearings – in some cases echoing or reiterating comments made in relation to post-release progress hearings (see again Chapter 10). Specifically, there were concerns that additional Parole Board hearings would duplicate and potentially undermine existing oversight arrangements provided by justice social workers. Respondents also questioned how the proposed progress hearings would be resourced and how such hearings could operate in practice, given that decisions about recall often have to be made very quickly.

15.16 One statutory justice body set out a number of difficulties with the proposal and highlighted the need for the Scottish Government to:

- Clarify the rationale for introducing progress hearings following a breach of licence conditions
- Provide evidence to explain why the current management arrangements are inadequate
- Consider how the proposed progress hearings would interact with established processes
- Explain the legal basis for the Parole Board to take on a case management function and how this could operate without compromising the Board's independence.

15.17 It was suggested that further discussion with a range of agencies would be necessary to develop this proposal.

15.18 Victims, family / friends of victims, and victim support organisations did not offer a unified view in their responses to the closed part of Question 32. Nevertheless, there were

several common themes in the comments made by these respondents. Specifically, they thought:

- Recall should be the default response to any breach – especially in cases where an individual on parole has contacted, approached or threatened a previous victim or other women and children. To do otherwise compromises public safety.
- If there is the slightest concern about danger to the public, an individual should be recalled. If the Parole Board needs more information to assess risk, that should happen after recall, not instead of it.

15.19 These respondents were concerned that the primary purpose of this proposal appeared to them to relate to managing prison overcrowding. They also said that discussions about ‘minor’ breaches of licence conditions gave the impression that some breaches were acceptable.

Other factors to be taken into account in recall decisions

15.20 Question 33 (an open question) asked respondents about the specific issues that should be taken into account if recall decisions were to be based on a wider range of factors than at present. Most commonly, respondents highlighted:

- Risk to the public and / or to any specific individual
- Number and frequency of breaches
- The seriousness of the breach
- Intent and context of the breach (is it deliberate, or the result of confusion / learning disability / administrative error)
- Whether a breach occurred due to lack of support with (for example) housing, mental health or addition issues, and whether providing support could get the person back on track
- The level of family / community support available to the person
- The person’s progress and attempts at reintegration (for example, employment or community engagement)
- Motivation behind complaints about non-compliance (considering the possibility of false accusers or malicious complainants)
- Views of the family of the person on parole and of victims and their families.

15.21 Victims, family / friends of victims and victim support organisations thought that any decisions regarding recall should, first and foremost, prioritise victim / public safety. These respondents said the following issues that should be taken into account:

- Behavioural deterioration (including behaving in a threatening manner – i.e. stalking coercion or violence)
- Substance misuse
- Refusal to engage with supervision

- Mental health concerns (in particular, they thought depression or suicidal ideation should be treated seriously as individuals in crisis may not only pose a danger to themselves, but also to others)
- Any breach of conditions relating to exclusion zones or unauthorised proximity.

15.22 These respondents commented that there is no clear means for victims or communities to report behaviour which they have observed and which could usefully inform any decision about recall.

15.23 Finally, there was an alternative view that there is no need to take any additional issues into account when making a decision about recall – as the current processes were adequate. It may not be possible (in terms of the time / resources available) for the Parole Board to consider a wider range of factors in their decisions to recall a person.

Any other suggestions for improving the recall process

15.24 A final open question in this section – Question 34 – asked respondents for any other suggestions for improving the recall process. Different respondent types offered distinct views as set out below.

15.25 Family / friends of people with experience of custody and prisoner support organisations suggested the recall process could be improved by:

- Giving families and support workers a greater role in tackling problems before recall becomes necessary
- Communicating in plain language, so the person on parole and their family fully understand why a person is being considered for recall
- Introducing greater transparency, proportionality and independent oversight to the recall process
- Introducing a right to appeal to an independent tribunal if a person is being recommended for recall.

15.26 Victims, family / friends of victims and victim support organisations suggested the recall process could be improved by:

- Notifying victims and involving them meaningfully in recall decisions
- Providing independent oversight in cases where the Parole Board takes no action in response to a recall request
- Putting in place interim protective measures for victims (e.g. increased supervision, electronic monitoring, victim safety planning) during breach investigations
- Applying escalating penalties to each breach
- Introducing mandatory victim impact assessments after each breach
- Providing mechanisms for members of the public to report suspected breaches
- Ensuring that processes are in place to support the prompt detention of individuals breaching licence conditions relating to the protection of women and children.

15.27 Several justice professionals and local public sector justice organisations raised concerns about the timing of progress hearings (if introduced) and timescales in general. These respondents emphasised the need to act urgently and for current processes to be faster. At the same time, they highlighted a lack of time (in some cases) for the Board to access all the information it needs to make an informed decision. Some respondents suggested ways of reducing delays in the process, for example, by: (i) enabling the police to communicate directly with the Parole Board (rather than going through social work) in cases which may require urgent action, and (ii) making greater use of multi-disciplinary case conferencing.

15.28 The point was also made that there needs to be a more consistent approach within social work about which matters are referred to the Parole Board for potential recall. It was suggested that improved guidance for, and decision-making by, supervising officers could help with this.

Individuals with experience of custody

15.29 Questions 30 to 34 in the prison questionnaire were similar (but not identical) to those in the online questionnaire.

Question 30: What do you think about the options the Parole Board has when someone breaks their licence conditions?

Question 31: If someone breaks a parole rule and might need to go back to prison, what else should the Parole Board be allowed to do?

Question 32: Should the Parole Board be allowed to check on someone's progress instead of sending them back to prison right away?

Question 33: What other things should the Board think about before deciding if someone needs to go back to prison?

Question 34: What else could be done to make the recall process better?

Parole Board options when someone breaks their licence conditions

15.30 At Question 30, around half of individuals with experience of custody said that more options should be available to the Parole Board when someone breaks their licence conditions. Of the 118 who answered this question:

- 12 said 'the current options are good'
- 53 said 'the Board should have more options'
- 7 said 'one or more of the current options should be removed'
- 20 said 'other'
- 28 said 'not sure / no opinion'.

15.31 Those who said the current options are good typically thought that if a person breaks their licence conditions on purpose, then they should have to deal with the consequences.

15.32 Respondents who selected any of the other choices at Question 30 thought the Parole Board needed greater flexibility and discretion to respond to (what were described as) 'minor' or 'less serious' breaches which do not compromise public safety.

Other options for the Parole Board when someone breaks a licence condition

15.33 In relation to Question 31, individuals with experience of custody thought that other options available to the Parole Board could include (i) adjusting the licence conditions to increase the individual's restrictions in the community (including the use of home detention), (ii) providing greater support (for example with addiction or housing), (iii) arranging a hearing to discuss the issues directly with the individual, and (iv) getting all the facts before deciding on recall. These respondents thought recall should only be used after other options have been tried first. There was also a recurring suggestion that legal representation (and legal aid) should be available to individuals who are being considered for recall.

Progress hearings when recall is being considered

15.34 At Question 32, most individuals with experience of custody agreed with the idea that the Parole Board should be able to hold a meeting to check on someone's progress instead of sending them back to prison right away. Of the 119 who replied:

- 82 said 'yes – I think this is a good idea because it gives the Parole Board more choices and helps experts make decisions that fit each person better'
- 24 said 'yes' – I think this is a good idea, but the meeting should only be to check how the person is doing; it should not be used to decide if the person should go back to prison'
- 2 said 'no' (the options the Parole Board has are OK)
- 6 said 'other'
- 5 said 'not sure / no opinion'.

15.35 There was little additional comment at this question. Respondents often referred back to comments made at Question 30, or they made comments such as 'everyone's situation is different', 'this is fairer', or 'prison should be a last resort'. They also welcomed the possibility that the person on parole would be given the chance to explain themselves, and that any problems they may be having with social work could be addressed.

Other things the Parole Board should consider before deciding on recall

15.36 Individuals with experience of custody made a range of suggestions at Question 33 about other things the Parole Board should think about before deciding if someone needs to go back to prison. These related to:

- **Current licence conditions:** Some thought licence conditions are not always realistic, manageable or relevant for the person on parole. Others thought that, if a person is breaking their licence conditions, they may need to be more restrictive.
- **The relationship between the person on parole and their social worker:** Some said that breakdowns in the relationship between a person on parole and their social worker can result in the social worker being more likely to recommend recall.

- **Progress in relation to reintegration:** Employment status, housing status, lifestyle and availability of family support were all seen to be important factors to consider.
- **The impact on the person's family:** Some thought that the effect of recall on the family of the person on parole should be considered.
- **Whether support services have been adequate:** Some respondents said the Parole Board should consider whether the person needs more support, particularly from addiction and / or mental health services.
- **The nature of the breach:** Some said a person should be sent back to prison if they commit another crime, are a danger to society, or frequently break their parole conditions, but should be given another chance for minor, or one-off breaches.

Other suggestions for making the recall process better

15.37 Question 34 in the prison questionnaire asked what else could be done to make the recall process better. In most cases, respondents reiterated points already discussed at Questions 30 to 33. Additional themes in the responses to Question 34 included the following:

- Set clear – much shorter – timescales for re-release.
- Provide a better explanation of the parole and recall processes to people in prison before they are released.
- Provide a mechanism for appealing a recall decision.

16. Re-release considerations (Q35–37)

Key points from Chapter 16

- ◆ There was no clear view about whether the re-release process works well, partly because it was common for respondents to say they were unsure about how the re-release process worked.
 - ◆ Most respondents thought re-release hearings should have a set timescale, of either two or four weeks.
 - ◆ In the main, respondents thought a timescale of two to four weeks would allow individuals to return to the community with minimum disruption; however, others thought it did not allow enough time for proper consideration of issues relating to the recall.
 - ◆ Some respondents were concerned about protecting the rights of individuals on parole during the re-release process; others thought the process should be more victim-focused.
-

16.1 When someone is recalled to prison, a re-release hearing is held to consider if the person can be safely released and managed in the community or should remain in prison. The hearing is generally held within 6 to 8 weeks of recall, but there is no set timeframe in which this should take place. The consultation asked three questions about arrangements for re-release hearings.

Question 35: Do you feel that re-release process is effective at supporting the initial decision to recall?

Question 36: Do you believe there should be a firm timeframe set out for re-release hearings?

Question 37: If any, what other suggestions do you have on the format and timings of the Parole Board's re-release hearings?

16.2 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

Effectiveness of the re-release process

16.3 Question 35 asked respondents if they thought the current re-release process was effective at supporting the initial decision to recall. Table 16.1 shows that:

- Overall, 47% of respondents said 'yes', 18% said 'no' and 4% said that re-release hearings could have a different format.
- A relatively large proportion of organisations (5 out of 16) and individuals (11 out of 56) said 'not sure / no opinion' in response to this question.

Table 16.1: Q35 – Do you feel that re-release process is effective at supporting the initial decision to recall?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes	7 (44%)	27 (48%)	34 (47%)
No	1 (6%)	12 (21%)	13 (18%)
Different format	1 (6%)	2 (4%)	3 (4%)
Other	2 (13%)	4 (7%)	6 (8%)
Not sure / no opinion	5 (31%)	11 (20%)	16 (22%)
Total	16 (100%)	56 (100%)	72 (100%)

* Individuals with no experience of custody

16.4 The 21 campaign respondents said ‘not sure / no opinion’ at Question 35.

16.5 Respondents who thought the re-release process is effective emphasised the importance of taking the time to explore in detail, for everyone who is recalled, (i) the reasons for the decision to recall and (ii) whether the individual continued to pose an unacceptable risk to the public. It was acknowledged that recall decisions may sometimes be based on incomplete information, and further investigation might indicate that recall was unnecessary.

16.6 These respondents qualified their responses in the following ways:

- The current system works well in the context of a binary choice between licence supervision and return to prison with no other options.
- There can be an over-emphasis on the prison-based social work assessment when the individual and the circumstances of the breach are better understood within the community.
- The current system is satisfactory if the original decision to recall the individual was correct.

16.7 Respondents who answered ‘no’, ‘different format’, or ‘other’ at Question 35 often commented on timescales for hearings – views on this issue are covered at paragraphs 16.9–16.14. Other comments focused on the following:

- The decision to recall may be ‘unfair’, and / or the individual should have the right to challenge the decision. It was argued that recall is sometimes triggered (i) before a proper verification of the circumstances has taken place, and (ii) when the breach of conditions is ‘minor’ or ‘technical’, when no new crime has been committed, or when the breach has no impact on public safety.
- The re-release process is flawed. Respondents argued that (i) many hearings are a ‘waste of resources’ as no new information is available to alter the original decision, (ii) it makes no sense to have a re-release hearing if the individual’s sentence is due to expire shortly (for example, within 6 months), and (iii) re-release has become a ‘revolving door’ and undermines the seriousness of the breach and the initial decision to recall.

16.8 Victims offered a distinctive perspective. They thought that the current system prioritises offender progression and rehabilitation and allows for repeated breaches with minimal consequences. One victim support organisation said that the data indicate that most recalled individuals are not re-released, which raises concerns about the decisions to grant parole in the first place.

Timeframe for re-release hearings

16.9 Question 36 asked respondents if they thought there should be a firm timeframe set out for re-release hearings. Table 16.2 shows that:

- Overall, 65% of organisations and individuals thought re-release hearings should have a set timescale, of either two or four weeks.
- Around a fifth of individuals (11 out of 60) thought re-release hearings should be held whenever possible, with no set timescale. No organisation selected this option.

Table 16.2: Q36 – Do you believe there should be a firm timeframe set out for re-release hearings?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
Yes, within 2 weeks	2 (13%)	20 (33%)	22 (29%)
Yes, within 4 weeks	8 (50%)	19 (32%)	27 (36%)
No, whenever possible without any set timescales	– (0%)	11 (18%)	11 (14%)
Other	3 (19%)	6 (10%)	9 (12%)
Don't know / no opinion	3 (19%)	4 (7%)	7 (9%)
Total	16 (100%)	60 (100%)	76 (100%)

* Individuals with no experience of custody

16.10 The 21 campaign respondents thought re-release hearings should be held within two weeks of a person's recall to custody.

16.11 Respondents who favoured a set timescale of two weeks said that hearings should be held promptly with the aim of re-releasing the individual as soon as possible, with any additional support or management put in place, if appropriate. Respondents said this would minimise disruption to existing arrangements in the community (housing, employment, benefits, etc.) and give certainty to the individual and their family. They also said this would prevent unnecessary detention for minor or technical breaches of licence conditions, and would ensure fairness, clarity, accountability, proportionality and the protection of human rights. Family / friends of a person with experience of custody and prisoner support organisations were among those offering such views.

16.12 Respondents favouring a four-week timeframe also said that this provided fairness, clarity and certainty for those involved. In addition, they thought four weeks was a realistic time period for the relevant agencies to gather the required information, carry out assessments, compile reports, and allow the issue to be considered properly. Those offering such views were mainly organisations and individuals working in the justice sector.

16.13 Among those who did not support a firm timeframe for re-release hearings, some thought that hearings should be held as soon as possible but did not think that two or four weeks was sufficient to allow for full investigation and consideration of the matter. In this context, one respondent suggested that there might be a maximum time set for at least a preliminary meeting to be held to set out plans for the case. Others made alternative suggestions about the timing of re-release hearings – for example, that hearings should be held after a year, or that timing should be based on the time left until sentence expiry.

16.14 However, other respondents (particularly victims, family / friends of victims, and victim support organisations) commented more generally on the issue of re-release. In the main, these respondents thought the current approach to re-release prioritised offenders' rights over victims' rights, and that set timescales for re-release hearings would undermine the seriousness of the original offence and the reason for recall. Respondents in this group often called for much longer timescales for hearings (a year or more) or argued that some offenders – including those who have breached conditions designed to protect victims in gender-based violence cases – should never be eligible for re-release.

Other suggestions about re-release hearings

16.15 Question 37 (an open question) asked respondents for any other suggestions on the format and timings of re-release hearings. Suggestions focused on four main issues:

- The provision of full information – respondents said this should be shared with all parties ahead of hearings, and would support transparency and understanding
- The importance of a victim-focused process including, for example, the right to be notified of, and to contribute to, the process – some said this type of approach may be compromised by fixed timescales for hearings
- Facilitating the involvement of those in custody – including by sharing of information, ensuring the right to representation, and communicating in plain language
- Improving the efficiency of hearings – including by the use of virtual meetings and pre-meetings, and the use of streamlined processes for straightforward cases.

Individuals with experience of custody

16.16 Questions 35, 36 and 37 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 35: Do you feel that [the] re-release process works well?

Question 36: Do you think there should be a clear time when the re-release hearing should happen?

Question 37: What other suggestions do you have about the format and timings of the Parole Board's re-release hearings?

Effectiveness of re-release process

16.17 There was a lack of consensus among individuals with experience of custody in their responses to Question 35. Of the 117 respondents who answered this question:

- 30 said 'yes – the system works well because it makes it possible to look at all the important information again'
- 8 said 'no – the decision to send the person back to prison has already been made, and sometimes there's no need for another meeting to decide if they should come out again'
- 25 said 'the way the re-release hearings happen could be done in a different way'
- 6 said 'other'
- 48 said 'not sure / no opinion'.

16.18 Respondents generally made fairly brief comments. Those who thought the current system was working well simply said it was good to let everyone – including the individual in custody – 'have their say' and to 'give them a chance to explain their side of events' once all the relevant information was available. In addition, some said the current process could work well if (i) legal aid were available for the individual in custody, (ii) adequate support in the community could be guaranteed on release and / or (iii) the people at the hearing had met the individual and 'got to know them'.

16.19 Comments from other respondents generally focused on two main points:

- The process for the re-release hearing was unsatisfactory: (i) the process was too dependent on the views of social workers who did not have the relevant information or did not give a true account at the re-release hearing, (ii) sometimes prisoners are not given a chance to speak up for themselves, (iii) the re-release hearing was not independent – there was 'group think' involved.
- If nothing (untoward) relating to the safety of the public happened as a result of the breach of licence conditions, and / or if the individual who had been recalled was 'doing well' then they should be released.

Timeframe for re-release hearings

16.20 Most individuals with experience of custody thought that there should be a clear timescale for re-release hearings of either two or four weeks. Of the 122 respondents who answered Question 36:

- 49 said 'yes, within two weeks of being recalled to custody'
- 34 said 'yes, within four weeks of being recalled to custody'
- 6 said 'no, it should happen when it is possible, but without any set timescales'
- 17 said 'other'
- 16 said 'not sure / no opinion'.

16.21 In general, individuals with experience of custody thought hearings should be held as soon as possible (i.e. within two or four weeks) after a person is recalled. They also said that:

- It was important to minimise the time spent in custody, because of the impact this could have on families, employment, housing, etc., and any progress made by person in the community.

- Early hearings would help ensure that the individuals concerned are kept informed and understand the situation and what is required of them
- Prompt re-release (where appropriate) would help address overcrowding in prisons.

16.22 Respondents who specifically favoured a two-week timeframe for hearings said that prompt consideration of re-release was important as the reasons for the recall were often minor or contested or turn out to be incorrect.

16.23 Respondents who specifically favoured a four-week timeframe thought this would allow the individual concerned to reflect on the recall and to take steps towards addressing any concerns. It would also give all parties time to prepare properly for the hearing.

16.24 Some who thought there should be a fixed timescale (either two or four weeks) nevertheless said that there should be sufficient time for information to be prepared and decisions to be taken, while others said that the individual circumstances of each case should be a factor in the scheduling of hearings.

16.25 Respondents who did not favour a fixed timeframe of two or four weeks made a number of comments and suggestions:

- They said the suggested timescales may be too soon to consider re-release or for the individual to demonstrate readiness to be released. They thought longer timeframes may be more practical, or allow more time to address the reasons for recall and prepare for possible re-release.
- They said that hearings should be held 'as soon as possible' and gave similar reasons to those who favoured a fixed timeframe of two or four weeks.
- They thought the timing of hearings should be up to the prison or the Parole Board.

Other suggestions about re-release hearings

16.26 Individuals with experience of custody made a range of suggestions about re-release hearings at Question 37. These included:

- The process for considering re-release should be tailored to each individual. Information, guidance and support should be provided for the individual involved.
- Recalled individuals should only be kept in custody if there are significant reasons to do so; however, some said that social workers are reluctant to recommend release.
- Hearings should be in-person, with all relevant people present, and not based on written reports. The recalled individual should be able to contribute to the process.
- There should be strict timescales for hearings. These should go ahead as planned and not be delayed. There should be automatic re-release if a hearing does not go ahead.

17. Deferrals (Q38–39)

Key points from Chapter 17

- ◆ Respondents of all types had experienced or were aware of parole hearings being deferred. It was particularly common for individuals (both those with and without experience of custody) to say they did not always know the reason for the deferral.
 - ◆ Respondents called for improved communication about deferrals, saying that those involved should always be contacted and told the reasons for the deferral, and that as much notice as possible should be given of the decision to defer.
 - ◆ Respondents thought that tighter case management could help reduce the number of deferrals.
-

17.1 The consultation paper explained that Parole Board oral hearings can be deferred for a number of reasons. Around a third of hearings (32%) were deferred in 2023/24. This was an improvement on the rate recorded in the previous year and followed the introduction of measures intended to reduce deferrals.

17.2 Two questions asked respondents about their experience of deferrals, and changes that might minimise these.

Question 38: If you have been connected to a case (or cases) where a parole hearing was deferred, do you know what was the reason for deferral?

Question 39: Are there any changes you believe could be made to improve efficiencies and minimise deferral of Parole Board hearings?

17.3 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

Reasons for deferral

17.4 At Question 38, it was common for respondents to say they had been involved in cases where a parole hearing had been deferred. Organisations and some individuals had been involved in multiple deferrals. Short notice and on-the-day deferrals were both reported.

17.5 However, there was a mix of experiences as to whether respondents knew the reason(s) for these deferrals. In most cases, organisations and justice professionals reported that they knew (or usually knew) why hearings were deferred. Some, though, said that it was rare to be told the reasons for a deferral, and / or said that the reasons were not always communicated well.

17.6 However, there was a more mixed picture among individuals, with some saying they knew the reason for deferral and others saying they did not. These respondents were often

unhappy about a lack of information and communication about deferrals, which they said caused additional upset and anxiety, showed a lack of respect, and left them 'in limbo'.

17.7 Respondents of all types noted the impact of deferrals on the parties involved in such cases – victims and their families as well as people in custody and their families. They described how this added to the stress and anxiety of the parole process. Some also noted a wider potential impact in terms of undermining confidence in the parole system and the wider justice system. Organisations noted the impact on their day-to-day business, particularly in relation to short-notice and on-the-day deferrals. Some respondents recognised that some deferrals were unavoidable, but there was a general view that these should be kept to a minimum and better communicated to those involved.

17.8 Among respondents who provided details about why deferrals happened, the reasons included:

- Reports (social work, medical, psychological) being unavailable – or available too late – for the hearing, or information being missing from reports
- Relevant professionals (social workers, solicitors) and witnesses being unable to attend, sometimes because of insufficient notice being given
- Professionals in attendance being unfamiliar with the case
- Relevant witnesses not being cited, or the need for additional information or witness contributions having been identified
- Individuals in custody refusing to attend.

17.9 While some respondents (including organisations and justice professionals) attributed deferrals to resourcing issues and staff shortages, others attributed them more generally to 'red tape' and 'avoidable' administrative failings.

Improving efficiencies and minimising deferrals

17.10 Question 39 asked respondents about any changes that could be made to improve efficiencies and minimise deferral of Parole Board hearings. The changes respondents wished to see largely reflected the reported reasons for deferrals. Broadly speaking, respondents thought that a tighter, more proactive approach to case management would help ensure that hearings could go ahead as planned. Suggestions included:

- Clarity regarding information required by the Parole Board
- Progress checks and pre-hearing reviews to confirm that necessary reports and information had been submitted, and a hearing could proceed
- Earlier compilation of information and stricter timelines for the submission of reports and information
- Not setting hearing dates until the availability of all information is confirmed
- Taking account of the availability of key personnel when setting hearing dates, and / or giving sufficient notice, confirming attendance, and sending out reminders
- Improved communication, collaboration and sharing of information across agencies

- Use of online and hybrid hearings.

17.11 Additionally, some respondents suggested:

- Changes in the way the Parole Board / Parole Scotland operates – these suggestions (made by statutory justice bodies / justice professionals) included operating as a full-time court, employing panel members on a full-time basis, and taking on a case preparation role
- A limit on the number of deferrals allowed in an individual case, and systems for authorising or reviewing deferrals
- Increased resources dedicated to parole cases.

17.12 Some respondents suggested that hearings should go ahead, where possible, even if a prisoner refuses to attend, or if some reports or representatives are unavailable.

Individuals with Experience of Custody

17.13 Questions 38 and 39 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 38: If you have been involved in a case where a parole hearing was delayed, do you know why it was put off?

Question 39: Do you have any ideas to help make things work better so parole hearings don't get delayed?

Involvement in deferred parole hearings

17.14 Individuals with experience of custody reported a mix of experiences of deferrals of parole hearings. Most respondents who commented at Question 38 said that they had been involved in a deferred parole hearing, with some reporting multiple deferrals, lengthy deferrals (up to a year), and short notice and on-the-day deferrals. (Some who had no experience of a deferred hearing said they were not yet eligible for parole.)

17.15 Some respondents knew the reason for the deferral in their case, while others did not. Respondents gave two main reasons for deferrals, highlighting similar issues to those raised by other respondents:

- Staff not being available to prepare reports and attend hearings, and staff being inadequately prepared for the hearing or unfamiliar with the individual
- Required information and reports (social work, psychological or medical reports, risk management assessments) not being submitted on time or not containing all the information required.

17.16 Others attributed delays more generally to 'red tape', 'social work', or a backlog of cases, which some linked to the COVID pandemic.

Ideas to help make things work better so parole hearings are not delayed

17.17 Individuals with experience of custody made a range of suggestions at Question 39 for improving efficiency and minimising deferrals:

- Devoting more resources to parole cases – respondents suggested more community and prison social workers, the appointment of additional Parole Board members, and contingency staffing arrangements to allow hearings to proceed
- Improving case management – specific suggestions included giving more notice of hearing dates; setting deadlines for the submission of reports; and issuing reminders
- Improving communication and collaboration between agencies involved in parole hearings
- Allowing those in custody to have secure access to electronic reports and making video-conferencing available for hearings.

17.18 Respondents also said that agencies involved in parole cases should take greater responsibility for ensuring hearings went ahead and that there should be greater accountability when this didn't happen. For example, respondents suggested that agencies should be required to provide an explanation when a report was not delivered on time, or that there should be 'consequences' (including fines) for such occurrences.

18. Timescales for parole reviews (Q40–42)

Key points from Chapter 18

- ◆ There was no clear consensus on the appropriate timescales for reconsidering parole.
 - ◆ The most common view among organisations and individuals without experience of custody was that timescales should be flexible and based on the individual case.
 - ◆ The most common view among individuals with experience of custody was that reviews were not frequent enough.
 - ◆ Respondents of all types generally thought the timescales for reconsidering parole should be determined by the reasons for previous refusal of parole, the conduct of the individual in custody, and their engagement with the rehabilitation process.
-

18.1 Currently, those not released at a first parole hearing have their case reconsidered every 12 months for those on long term determinate and extended sentences, and every 24 months for those on a life sentence or Order for Lifelong Restriction (OLR). However, while the timescales for life sentences and OLRs are statutory, those for long term determinate and extended sentences are not. Three questions sought views on the timescales for being reconsidered for parole, and the factors that should be taken into account.

Question 40: Which of the following best represents your view on the timescale for reconsidering parole in relation to long term determinate sentences and extended sentences?

Question 41: Which of the following best represents your view on the timescale for reconsidering parole in relation to life sentences and those sentenced to an Order for Lifelong Restriction (OLR)?

Question 42: If someone is denied parole, what factors do you think should be considered in determining how long it should be before that person comes before the Parole Board again?

18.2 Respondents' views on these questions are presented below. The views of organisations and individuals with no experience of custody are discussed first, followed by the views of individuals with experience of custody.

Organisations and individuals with no experience of custody

18.3 Question 40 asked about the timescale for reconsidering parole for a person serving a long term determinate sentence or extended sentence. The current timescale is 12 months. Table 18.1 shows that:

- Overall, 25% of respondents said the current 12-month timescale was appropriate, 11% said it was too frequent, and 16% said it was not frequent enough. In addition, 39% said the timescale should be flexible and based on the individual case.
- The option selected most commonly both by organisations and individuals was that the timescale should be flexible, based on the individual case.

Table 18.1: Q40 – Which of the following best represents your view on the timescale for reconsidering parole for long term determinate and extended sentences?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
12 months is appropriate	4 (25%)	16 (25%)	20 (25%)
12 months is too frequent	1 (6%)	8 (13%)	9 (11%)
12 months is not frequent enough	1 (6%)	12 (19%)	13 (16%)
Timeframe should be flexible, based on the individual case	7 (44%)	24 (38%)	31 (39%)
Other	1 (6%)	3 (5%)	4 (5%)
Not sure / no opinion	2 (13%)	– (0%)	2 (3%)
Total	16 (100%)	63 (100%)	79 (100%)

* Individuals with no experience of custody

18.4 The 21 campaign respondents thought the current 12-month timescale was not frequent enough and that the time between parole hearings should be reduced.

18.5 Question 41 asked about the timescale for reconsidering parole for a person serving a life sentence or subject to an OLR. The current timeframe is 24 months. Table 18.2 shows that:

- Overall, 24% of respondents said the current 24-month timescale was appropriate, 9% said it was too frequent, and 24% said it was not frequent enough. In addition, 37% said the timeframe should be flexible and based on the individual case.
- The option selected most commonly both by organisations and individuals was that the timescale should be flexible, based on the individual case.
- Individuals (17 out of 59) were more likely than organisations (1 out of 16) to say that 24 months was not frequent enough.

Table 18.2: Q41 – Which of the following best represents your view on the timescale for reconsidering parole for life sentences and OLRs?

Response categories	Organisations n (%)	Individuals* n (%)	Total n (%)
24 months is appropriate	3 (19%)	15 (25%)	18 (24%)
24 months is too frequent	2 (13%)	5 (8%)	7 (9%)
24 months is not frequent enough	1 (6%)	17 (29%)	18 (24%)
Timeframe should be flexible, based on the individual case	8 (50%)	20 (34%)	28 (37%)
Other	– (0%)	1 (2%)	1 (1%)
Not sure / no opinion	2 (13%)	1 (2%)	3 (4%)
Total	16 (100%)	59 (100%)	75 (100%)

* Individuals with no experience of custody

18.6 The 21 campaign respondents thought the timescale for review of parole for a person on a life sentence or OLR should be flexible, based on the individual case.

18.7 In the main, the comments made in relation to each corresponding response option at Questions 40 and 41 were similar. Thus, the following section presents the views for each corresponding response option for both sentence types together. Views specific to either sentence type are highlighted where appropriate.

18.8 Those selecting 'other' or 'not sure / no opinion' did not generally make new substantive points and their views are not presented separately.

18.9 Respondents who said that the current 12- and 24-month review timescales are appropriate said these were reasonable and proportionate. It was also noted by some respondents (organisations and individuals involved in the justice sector) that the system already offers flexibility: the current timeframes represent **maximum** intended timeframes, and the Parole Board can set review dates ahead of these.

18.10 Respondents who favoured flexible timescales for reconsidering parole said that the timing of hearings should be determined by the individual circumstances of each case: the individual and their attitude and conduct within the prison; engagement with rehabilitation services and progress towards rehabilitation; the crime committed and the sentence imposed; any requirements set at a previous hearing; and the likelihood of parole being granted. It was also suggested that hearings should not be regarded as routine or procedural but should only take place if there is something new and relevant to consider.

18.11 Organisations and justice professionals in particular made the point that the current timescales were arbitrary or 'procedure-driven'. This can result in individuals staying in custody beyond the point at which they could safely be released. Conversely, it can lead to unnecessary hearings or deferred hearings in cases where no progress had been made and / or there is no prospect of parole being granted. Respondents said that a more flexible and responsive system could take account of change (in conduct, in readiness for release) on an ongoing basis and allow hearings to be held at appropriate points in an individual's rehabilitation pathway – for example, after the completion of a particular programme, or successful transition to Castle Huntly (open prison). This approach could lead to reviews being held both ahead of and beyond current timescales. The value of being able to extend the review period beyond 12 or 24 months was particularly noted by public sector organisations, justice professionals, and some other individuals.

18.12 Respondents who said that the current review timescales were not frequent enough said that 12 months / 24 months represent a 'long time' in the context of time spent in prison, and that shorter timeframes would offer hope and motivate those in custody, and allow progress to be recognised sooner. These views were mainly expressed by family / friends of individuals with experience of custody and third sector organisations working with this group with respect to long term sentences. However, they were expressed by a wider range of respondents in relation to life sentences and OLRs. Timescales of 3, 6 and 9 months were proposed for long term determinate sentences and extended sentences. Timescales of 6 and 12 months were suggested for life sentences and OLRs.

18.13 Respondents who said that the current review timeframes were too frequent were mainly family / friends of victims and victim support organisations. These respondents thought that current timeframes did not take account of the impact – emotional and practical – on victims and prioritised the rights of offenders over victims. They said that

longer timeframes would recognise the seriousness of the previous refusal of parole and allow further time for rehabilitative progress to be made. With respect to timeframes for life sentences and OLRs, in particular, respondents highlighted the serious nature of offences covered by these types of sentences, the lack of remorse often shown, and the ongoing risk presented by offenders. The low likelihood of parole being granted in such cases was also noted.

Factors in determining timescales for reconsidering parole

18.14 Question 42 asked what factors should be taken into account in determining the timescale for reconsidering parole. Respondents thought the timescale should depend on:

- The reasons for refusal at a previous hearing and the likely timescale for addressing the requirements identified – some stressed the need for the parole panel to be clear about any requirements set, and for timescales to be realistic
- The conduct, behaviour and attitude of the individual being considered for parole, their engagement with the rehabilitation process and their progress toward rehabilitative goals.

18.15 Other factors suggested less often included the home environment and family support available to the individual; the impact on the victim of repeated hearings; the impact of continued imprisonment on the family or children of those in custody; and other individual characteristics of the offender such as their mental health and wellbeing.

18.16 In the main, respondents expressed a preference for the timing of hearings to be a flexible evidence-based process taking account of the specifics of individual cases. However, there was an alternative view, put forward by a statutory justice organisation, that timescales (12 months and 24 months) should generally be adhered to, unless there is good evidence or a good public interest reason to bring a hearing forward. Other respondents suggested flexibility should operate within a framework of minimum or maximum review periods.

18.17 A range of respondents expressed concern about parole being refused for reasons outwith the individual's control (such as the inability to access required courses). Some called for this to be addressed in a proactive way – for example, by 'fast tracking' a person's access to courses and programmes, or providing alternative ways for individuals to meet requirements – or saying that those in custody should not be penalised for this.

Individuals with experience of custody

18.18 Questions 40, 41 and 42 in the prison questionnaire were similar (but not identical) to the online questionnaire.

Question 40: What do you think about having parole hearings for people with long sentences every 12 months?

Question 41: What do you think about having parole hearings for people with life sentences or OLRs every 24 months?

Question 42: If someone is refused parole, what things need to be thought about to decide when they can be seen by the Parole Board again?

18.19 At Question 40, most individuals with experience of custody said **either** 12 months is not often enough for reconsidering parole for people serving long sentences **or** the timescale should depend on the case. Of the 121 respondents who answered the question:

- 26 said '12 months is fine and there is no need for change'
- 3 said '12 months is too often'
- 43 said '12 months is not often enough'
- 38 said 'it depends on the case and the time should be different for each person, with no set limit'
- 7 said 'other'
- 4 said 'not sure / no opinion'.

18.20 Similarly, at Question 41, most individuals with experience of custody said **either** 24 months is not often enough for reconsidering parole for people life sentences or on OLRs **or** the timescale should depend on the case. Of the 122 respondents who answered the question:

- 25 said '24 months is fine and there is no need for change'
- 2 said '24 months is too often'
- 39 said '24 months is not often enough'
- 33 said 'it depends on the case and the time should be different for each person, with no set limit'
- 8 said 'other'
- 15 said 'not sure / no opinion'.

18.21 The views expressed by individuals with experience of custody often reflected the views expressed by other respondents. The sections below present a summary of the main points made, and highlight any distinct views expressed in relation to either sentence type.

18.22 Those who said the current 12 and 24-month timeframes are fine said that this was sufficient to allow access to rehabilitation services and support, and to allow change to happen.

18.23 Those who thought the timeframes should be flexible said that the scheduling of review hearings should be based on individual circumstances such as the nature of the offence, the sentence, the point reached in the sentence, goals set at a previous hearing, and rehabilitation progress. Respondents mainly wanted flexibility for hearings to happen more often, but occasionally respondents suggested a longer period between reviews may be appropriate to allow progress to be made and monitoring to be undertaken. There was also a view that flexibility was particularly important for those serving life sentences and OLRs who would otherwise have to wait two years for their case to be reconsidered.

18.24 Those who said the timeframes are not frequent enough said that 12 or 24 months felt like a long time to those in custody – in particular, respondents described the 24-month timeframe for those serving life sentences and OLRs as ‘way too long’ for both the individuals concerned and their family. In general, respondents selecting this option made similar points to those favouring flexibility. They favoured an individualised approach, and thought that shorter periods between hearings would give hope to those in custody, encourage engagement with the rehabilitation process, and allow progress to be demonstrated. It was also suggested that more frequent hearings would help free up prison space.

18.25 Some respondents made specific suggestions for reduced review periods: periods of between 3 and 9 months were suggested for long-term sentences, with 6 months being the most common suggestion; 12, 16, 18 and 20 months were all mentioned for life sentences and OLRs. With respect to life sentences and OLRs, it was also suggested that there should be more regular reviews after the tariff part of the sentence has been completed, and that those in custody should be able to request an earlier review.

18.26 Finally, some favoured consistency of review period for all sentence types (long term sentences, extended sentences, life sentences, OLRs) – with alignment at 12 months suggested most often.

Factors in determining timescales for reconsidering parole

18.27 At Question 42, the main view among individuals with experience of custody was that the timescales for reconsidering parole should be determined by the reasons for previous refusal, and the likely timescales for addressing any requirements set by the Parole Board. However, there was also a common view that it was too difficult to access the courses, programmes and other opportunities specified as part of parole requirements and that those in custody should not be penalised for what was seen as a failure of the prison service.

18.28 Additionally, respondents mentioned the following factors:

- The general behaviour and attitudes of the individual concerned, their engagement with services within the prison, and their progress towards rehabilitation
- The circumstances of the individual – including their health and wellbeing, their family and home circumstances, family matters such as childbirth and illness
- The length and type of sentence being served and the point reached in the sentence.

Annex 1 Prison questionnaire

Voices in Justice: A Consultation on Parole Reform in Scotland

Respondent Information Form

To be returned to: Parole Policy Team, Community Justice Division, Scottish Government, St. Andrews House, 2 Regent Road Edinburgh, EH1 3DG

Question 1. Do you think it is a good idea to have a definition that clearly explains the purpose of parole in Scotland?

- Yes
- No
- Other
- Not sure / No opinion
- Please explain your answer:

Question 2. If Scotland made a clear rule about what parole is for, what things do you think should be in that rule?

Question 3. Should the Parole Board publish full details about why someone was or wasn't allowed to leave prison on parole? This would include reasons why the decision was made.

- Yes – in all cases.
- Yes – but only in certain types of cases.
- No – decision summaries are OK.
- Other
- Not sure / No opinion
- Please explain your answer:

Question 4: How much should the Parole Board hide names and private details when sharing decisions about someone's parole?

- Not at all, it should show full decisions to help people understand.
- Some details, like names and addresses should be removed, but the rest of the decision should be shared.
- It should hide everything private so no one can be identified.
- Other ideas
- Not sure
- Please explain your answer:

Question 5. Should the Parole Board explain more clearly how they make decisions? This could include rules, examples, and helpful guides.

- Yes
- No
- Other
- Not sure / No opinion
- Please explain your answer:

Question 6. How should victims first be told that someone might be allowed to leave prison?

- Letter
- Email
- Phone call
- Video call
- In person
- Not sure / No opinion
- Other, please specify:

Question 7. What would you change or add to help victims understand the parole system better?

Question 8. Should victims, who are part of the Victim Notification Scheme, always be allowed to watch parole hearings?

- Yes, they should always be allowed.
- No, they should still have to ask.
- Other idea.
- Not sure.
- Please explain your answer:

Question 9. Should all victims be allowed to ask to watch a parole hearing, no matter what sentence the person got?

- Yes, every victim should be allowed to ask.
- No, only victims in very serious cases should be allowed.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 10. Who else, other than the victim, should be allowed to watch a parole hearing? (Select all that apply)

- Only the victim or their family
- People from the public
- Journalists
- Lawyers or researchers
- Social workers
- Other workers for training
- Other (say who)
- Not sure
- Please explain your answer:

Question 11. Should all victims, regardless of the type of sentence the person in custody is serving, be allowed to speak to the Parole Board before a case is decided?

- Yes – every victim should have the right to speak to the Parole Board for Scotland.
- No – only victims in the most serious cases should speak to the Parole Board.
- Other.
- Not sure / No opinion.

Question 12. What kind of information helps victims feel safe, supported, and included?

Question 13. How things like videos, podcasts, or online updates could help people understand parole better?

Question 14. How to share information better with victims and others?

Question 15. Do you think there should be one simple rule for deciding if someone in prison can be safely let out?

- Yes – I think a single test for all cases is a good idea.
- No – I think there should be different tests depending on sentence type.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 16. Should the test for release focus only on how risky a person is, or also if that person is ready to live safely in the community?

- The test(s) should continue to focus on risk.
- The test(s) should check if someone is safe to leave prison and also ready to live a good life outside prison.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 17. Do you have any other views on how decisions should be made about release? For example, do you think there are other improvements that could be made?

Question 18. Do you think the Parole Board should be allowed to check how someone is doing after they leave prison and take actions based on the person's needs?

- Yes.
- No.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 19. If we had meetings to check how someone is doing on parole, what should the Parole Board be allowed to change? (select all that apply)

- Change some of the licence conditions.
- Give new licence conditions.
- Recall the person back to prison.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 20. After someone leaves prison on parole, how long after that should the Parole Board be allowed to check how this person is doing?

- One year (like in New Zealand).
- Less than one year.
- Longer than one year.
- The full length of a person's parole.
- Other
- Don't know / No opinion
- Please explain your answer:

Question 21. If progress hearings were introduced, how often should the Board be able to do them?

- No more than every 3 months (like in New Zealand).
- No more than every 6 months.
- No more than annually.
- Only when there is a specific reason.
- As often as the Board thinks it is needed (i.e. no limit).
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 22. Should the rules say that certain types of experts must always be part of the group that decides if someone can leave prison on parole?

- Yes – some experts (like doctors or social workers) should always be part of the group that decides if someone can leave prison on parole.
- No – oral hearing panel composition should stay flexible.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 23. If we always need certain types of people in the group that decides if someone can leave prison early, what kinds of jobs or experts do you think should be there?

Question 24. Do you think the Parole Board should think about anything else when deciding if someone can leave prison early?

Question 25. Do you think there should be a rule that lets people ask for the decision to be checked again? Who should be allowed to do this?

- Both the person in prison and the victim or their family should be allowed to ask for a second look (review or appeal process).
- Only the person in prison should be allowed to ask.
- Only the victim or their family should be allowed to ask.
- The current system is OK.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 26. Do you think the licence conditions should be looked at again to see if they can be made better?

- Yes.
- No – they work fine.
- Other.
- Not sure / No opinion.

Question 27. Do you feel that the words used in licence conditions (see Annex C) are easy for everyone to understand and follow?

- Yes.
- No,
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 28. Do you think the way the licence conditions are made helps people stay out of trouble?

- Yes.
- No.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 29. Do you have ideas for making licence conditions better?

Question 30. What do you think about the options the Parole Board has when someone breaks their licence conditions?

- I think that the current options are good.
- I think that the Board should have more options.
- I think one or more of the current options should be removed.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 31. If someone breaks a parole rule and might need to go back to prison, what else should the Parole Board be allowed to do?

Question 32. Should the Parole Board be allowed to check on someone's progress instead of sending them back to prison right away?

- Yes – I think this is a good idea because it gives the Parole Board more choices and helps experts make decisions that fit each person better.
- Yes – I think this is a good idea, but the meeting should only be to check how the person is doing. It should not be used to decide if the person should go back to prison.
- No – the options Parole Board has are OK.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 33. What other things should the Board think about before deciding if someone needs to go back to prison?

Question 34. What else could be done to make recall process better?

Question 35. Do you feel that re-release process works well?

- Yes, the system works well because it makes it possible to look at all the important information again.
- No, the decision to send the person back to prison has already been made, and sometimes there's no need for another meeting to decide if they should come out again.
- The way the re-release hearings happen could be done in a different way (please explain how below).
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 36. Do you think there should be a clear time when the re-release hearing should happen?

- Yes, within two weeks of being recalled to custody.
- Yes, within four weeks of being recalled to custody.
- No, it should happen when it is possible but without any set timescales.
- Other.
- Not sure /No opinion.
- Please explain your answer:

Question 37. What other suggestions do you have about the format and timings of the Parole Board's re-release hearings?

Question 38. If you have been involved in a case where a parole hearing was delayed, do you know why it was put off?

Question 39. Do you have any ideas to help make things work better so parole hearings don't get delayed?

Question 40. What do you think about having parole hearings for people with long sentences every 12 months?

- 12 months is fine and there is no need for change.
- 12 months is too often.
- 12 months is not often enough.
- It depends on the case and the time should be different for each person, with no set limit.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 41. What do you think about having parole hearings for people with life sentences or OLR every 24 months?

- 24 months is fine and there is no need for change.
- 24 months is too often.
- 24 months is not often enough.
- It depends on the case and the time should be different for each person, with no set limit.
- Other.
- Not sure / No opinion.
- Please explain your answer:

Question 42. If someone is refused parole, what things need to be thought about to decide when they can be seen by Parole Board again?

Question 43. Which category best describes you – please tick all that apply:

- I am the victim or survivor of a crime.
- I am a family member or friend of the victim or survivor of a crime.
- I have been in prison, but not on parole.
- I have been in prison and spent part of my sentence on parole.
- I am a family member or friend of someone who was in prison, but they were not on parole.
- I am a family member or friend of someone who was on parole.
- I work in the justice system.
- I am a lawyer.
- I work with Victim Support Organisations.
- I am a member of the public with an interest in this area.
- Other, please specify:

Annex 2 Organisational respondents

The consultation received responses from 23 organisations or groups.

Public sector organisations providing local justice services (6)

- Aberdeen City Council
- Community Justice Glasgow
- Dumfries and Galloway Community Justice Partnership and Dumfries and Galloway Public Protection Partnership
- East Lothian Council, Justice Social Work
- Glasgow Health and Social Care Partnership, Justice Services
- Perth and Kinross Council, Prison and community based social work

Statutory justice bodies (4)

- Community Justice Scotland
- Parole Board for Scotland
- Risk Management Authority
- Scottish Sentencing Council

Third sector - victim support (5)

- Rape and Sexual Abuse Centre (RASAC) Perth & Kinross
- Rape Crisis Scotland
- SafeLives
- Scottish Women's Aid
- Victim Support Scotland

Third sector - prisoner support (3)

- Families Outside
- Helping Hands Open Doors
- Scottish Prisoner Advocacy and Research Collective (SPARC)

Other organisation types (5)

- Children and Young People's Centre for Justice
- Howard League Scotland
- The Law Society of Scotland
- Quakers in Scotland, Community Justice Working Group
- Social Work Scotland

Annex 3: Responses to individual questions

This annex provides details of the number (n) and percentage of respondents (T) who answered each question (substantive responses only). Note that the wording of the questions in the table below is the wording used in the online questionnaire.

Questions relating to transparency and communication	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q1. Would you support the introduction of a definition that clearly states the purpose of parole in Scotland?	20 (87%)	72 (99%)	125 (100%)	217 (98%)
Please explain your answer.	20 (87%)	48 (66%)	97 (78%)	165 (75%)
Q2. If the purpose of parole were to be defined in Scotland, what do you feel the defined purpose should include?	20 (87%)	62 (85%)	108 (86%)	190 (86%)
Q3. Should the Parole Board publish full versions of its decision minutes, including detail on the reasons for the decision and the evidence which was heard at the oral hearing, in release and non-release cases?	20 (87%)	71 (97%)	125 (100%)	216 (98%)
Please explain your answer.	18 (78%)	55 (75%)	98 (78%)	171 (77%)
Q4. To what extent do you feel that information published by the Parole Board (e.g. decisions, summaries, case examples) should be anonymised / redacted?	20 (87%)	70 (96%)	123 (98%)	213 (96%)

Questions relating to transparency and communication	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Please explain your answer.	20 (87%)	47 (64%)	101 (81%)	168 (76%)
Q5. Should the Parole Board publish more detailed information about how their decisions are reached (e.g. guidance, criteria, case studies)?	21 (91%)	68 (93%)	124 (99%)	213 (96%)
Please explain your answer.	19 (83%)	44 (60%)	81 (65%)	144 (65%)
Q6. Which format do you feel is the most appropriate for victims/survivors to receive initial information about parole eligibility of the person in the case?	17 (74%)	70 (96%)	123 (98%)	210 (95%)
Other, please specify	17 (74%)	40 (55%)	89 (71%)	146 (66%)
Q7. Are there any changes you would like to see in how much information in parole cases is shared with victims?	15 (65%)	53 (73%)	109 (87%)	177 (80%)
Q8. Should victims/survivors, who are registered under the VNS, have the automatic right to attend and observe oral hearings?	18 (78%)	70 (96%)	121 (97%)	209 (95%)
Please explain your answer.	14 (61%)	48 (66%)	94 (75%)	156 (71%)

Questions relating to transparency and communication	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q9. Should all victims/survivors – regardless of the type of sentence the person in custody is serving – have the right to request to observe a parole board oral hearing if one is held?	18 (78%)	68 (93%)	122 (98%)	208 (94%)
Please explain your answer.	16 (70%)	44 (60%)	89 (71%)	149 (67%)
Q10. Who else, if anyone, do you think should have access to parole hearings? (Select all that apply)	17 (74%)	58 (79%)	124 (99%)	199 (90%)
Please explain your answer.	18 (78%)	47 (64%)	90 (72%)	155 (70%)
Q11. Should all victims – regardless of the type of sentence the person in custody is serving – have the right to give oral representations to the Parole Board for Scotland ahead of the Parole Board considering a case?	17 (74%)	69 (95%)	124 (99%)	210 (95%)
Please explain your answer.	15 (65%)	44 (60%)	93 (74%)	152 (69%)
Q12. What information do you feel is most important for victims to receive, in order to support their understanding of, and engagement with, the parole process?	16 (70%)	53 (73%)	109 (87%)	178 (81%)

Questions relating to transparency and communication	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q13. How could digital tools (e.g. videos, podcasts, online updates) be used to improve people's understanding and experience of the parole process?	15 (65%)	51 (70%)	107 (86%)	173 (78%)
Q14. Do you have any other suggestions for improving communication, transparency, or information sharing in the parole system?	15 (65%)	49 (67%)	94 (75%)	158 (71%)

Questions relating to parole process, licence conditions and recall	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q15. Do you support the introduction of a single over-arching, statutory test for release that would apply to all cases considered for release by the Parole Board?	19 (83%)	66 (90%)	120 (96%)	205 (93%)
Please explain your answer.	18 (78%)	48 (66%)	98 (78%)	159 (72%)

Questions relating to parole process, licence conditions and recall	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q16. Regardless of whether a single test is introduced, or the current process is retained, should the test(s) for release from custody continue to focus solely on risk, or should they be amended to also consider a person's readiness to reintegrate into the community?	17 (74%)	65 (89%)	124 (99%)	206 (93%)
Please explain your answer.	16 (70%)	48 (66%)	95 (76%)	159 (72%)
Q17. Do you have any other views on the assessment and decision-making process around release – for example, other aims that should be reflected, improvements that could be made, or changes in how risk is considered?	17 (74%)	57 (64%)	99 (79%)	163 (74%)
Q18. In principle, do you support the idea of giving the Parole Board for Scotland the power to require post-release progress hearings, at which they can take action based on the person's progress while in the community on parole?	17 (74%)	64 (88%)	124 (99%)	205 (93%)
Please explain your answer.	16 (70%)	41 (56%)	90 (72%)	147 (67%)

Questions relating to parole process, licence conditions and recall	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q19. If progress hearings were introduced, what changes do you think the Parole Board should have the power to make, based on the person's progress while in the community on parole? (select all that apply)	16 (70%)	62 (85%)	120 (96%)	198 (90%)
Please explain your answer.	16 (70%)	37 (51%)	95 (76%)	148 (67%)
Q20. If progress hearings were introduced, how long after someone is released on parole should the Board have the power to call a progress hearing for them?	17 (74%)	62 (85%)	121 (97%)	200 (90%)
Please explain your answer.	15 (65%)	31 (42%)	82 (66%)	128 (58%)
Q21. If progress hearings were introduced, how frequently should the Board have the power to call a progress hearing for someone on parole in the community?	16 (70%)	62 (85%)	121 (97%)	199 (90%)
Please explain your answer.	15 (65%)	34 (47%)	80 (64%)	129 (58%)
Q22. Should the law require that certain professions or expertise must always be represented on a Parole Board oral hearing panel?	18 (78%)	62 (85%)	123 (98%)	203 (92%)

Questions relating to parole process, licence conditions and recall	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Please explain your answer.	15 (65%)	37 (51%)	89 (71%)	141 (64%)
Q23. If specific professions or expertise were to be required at Parole Board oral hearings, which specific professions or expertise do you feel should be included?	15 (65%)	50 (68%)	106 (85%)	171 (77%)
Q24. Do you believe that there should be any further changes to the current list of factors, set out above, which may be taken into consideration by the Parole Board when making a decision on a prisoner's release?	15 (65%)	51 (70%)	106 (85%)	172 (78%)
Q25. What are your views on exploring a means to develop a formal review and appeal process for parole decisions, and who could this apply to?	17 (74%)	64 (88%)	123 (98%)	204 (92%)
Please explain your answer.	16 (70%)	39 (53%)	86 (69%)	141 (64%)
Q26. Do you think that the current approach to licence conditions should be reviewed?	16 (70%)	61 (84%)	121 (97%)	198 (90%)
Please explain your answer.	12 (52%)	32 (44%)	92 (74%)	136 (62%)

Questions relating to parole process, licence conditions and recall	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q27. Do you feel that the language used in licence conditions (see Annex C) is clear and accessible for all people who need to understand and follow them?	17 (74%)	61 (84%)	120 (96%)	198 (90%)
Please explain your answer.	15 (65%)	40 (55%)	80 (64%)	135 (61%)
Q28. Do you feel that licence conditions are currently well designed to maximise successful rehabilitation and reintegration?	16 (70%)	61 (84%)	122 (98%)	199 (90%)
Please explain your answer.	13 (57%)	39 (53%)	95 (76%)	147 (67%)
Q29. What changes, if any, would make licence conditions more supportive of rehabilitation and reintegration in your opinion?	15 (65%)	46 (63%)	109 (87%)	170 (77%)
Q30. What are your views on the options currently available to the Parole Board when they consider a request for recall (warning letter, recall to custody or no action)? (select all that apply)	16 (70%)	61 (84%)	118 (94%)	195 (88%)
Please explain your answer.	13 (57%)	35 (48%)	87 (70%)	135 (61%)

Questions relating to parole process, licence conditions and recall	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q31. If the Board were to have more options for responding to a potential licence breach or request for recall, what should these be in your opinion?	13 (57%)	39 (53%)	109 (87%)	161 (73%)
Q32. Do you support enabling the Parole Board for Scotland to set a progress hearing as an additional option in cases where the Board are deciding on recall?	16 (70%)	61 (84%)	119 (95%)	196 (89%)
Please explain your answer.	14 (61%)	25 (34%)	74 (59%)	113 (51%)
Q33. If recall decisions were to be based on a wider range of factors, which specific issues should be taken into account	14 (61%)	38 (52%)	111 (89%)	163 (74%)
Q34. If any, what other suggestions do you have for improving the recall process in Scotland?	13 (57%)	34 (47%)	96 (77%)	143 (65%)
Q35. Do you feel that re-release process is effective at supporting the initial decision to recall?	16 (70%)	56 (77%)	117 (94%)	189 (86%)
Please explain your answer.	12 (52%)	24 (33%)	68 (54%)	104 (47%)
Q36. Do you believe there should be a firm timeframe set out for re-release hearings?	16 (70%)	60 (82%)	122 (98%)	198 (90%)
Please explain your answer.	12 (52%)	30 (41%)	80 (64%)	122 (55%)

Questions relating to parole process, licence conditions and recall	Organisations n (and % of total 23)	Individuals with no experience of custody n (and % of total 73)	Individuals with experience of custody n (and % of total 125)	Total n (and % of total 221)
Q37. If any, what other suggestions do you have on the format and timings of the Parole Board's re-release hearings?	14 (61%)	35 (48%)	89 (71%)	138 (62%)
Q38. If you have been connected to a case (or cases) where a parole hearing was deferred, do you know what was the reason for deferral?	11 (48%)	43 (59%)	100 (80%)	154 (70%)
Q39. Are there any changes you believe could be made to improve efficiencies and minimise deferral of Parole Board hearings?	12 (52%)	46 (63%)	100 (80%)	158 (71%)
Q40. Which of the following best represents your view on this timescale?	16 (70%)	63 (86%)	121 (97%)	200 (90%)
Please explain your answer.	10 (43%)	42 (58%)	93 (74%)	145 (66%)
Q41. Which of the following best represents your view on this timescale?	16 (70%)	59 (81%)	122 (98%)	197 (89%)
Please explain your answer.	10 (43%)	34 (47%)	80 (64%)	124 (56%)
Q42. If someone is denied parole, what factors do you think should be considered in determining how long it should be before that person comes before the Parole Board again?	15 (65%)	53 (73%)	111 (89%)	179 (81%)



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