

Parole

What is Parole?

Parole is a process that enables someone in our care to be released to serve the remainder of their sentence on licence in the community under the supervision of a Justice Social Worker (JSW).

If released on parole licence, your loved one is subject to conditions and may be recalled to prison if they breach any of them. Parole is only granted where the Parole Board is satisfied that the risk presented by someone in our care can be managed safely in the community on parole licence.

Who are the Parole Board?

The Parole Board for Scotland is a non-departmental public body whose members are appointed by Scottish Ministers. The Board has several statutory functions but operates independently from the Scottish Government.

The Board has status of the court. These members come from a diverse range of professional backgrounds, mainly from the Criminal Justice Sector.

The role of the Board is to determine if a person in our care continues to pose a risk to the public, or if their risk can be managed safely in the community on licence.



Parole

When can someone apply for Parole?

Parole isn't applied for; eligibility is determined by legislation and will depend on the type and length of sentence. The SPS, on behalf of Scottish Ministers must refer a parole dossier to the Parole Board to consider the case.

The parole process normally starts six months before an individual's Parole Qualifying Date (PQD) - the first date at which they could be released.

In the case of a Life Sentence Prisoner or an Order of Lifelong Restriction (OLR), the first date at which an individual can be considered for release on licence is at the expiry of the punishment part of the sentence imposed by the court at the time of sentence.

Who is eligible for parole, and when?

Determinate Sentences

- Those serving fixed-term sentences of four years or more can be considered for parole at the halfway point of their sentence. This is called the Parole Qualifying Date (PQD).
- If not released at PQD, the Parole Board will review the case again within 12 months.
- If still not released, the prisoner will continue to be reviewed until they reach their Earliest Date of Liberation (EDL), six months before the end of their sentence.
- At EDL, they must be released by law to serve the rest of their sentence in the community under non-parole licence conditions.

Parole

Who is eligible for parole, and when? *(continued)*

Extended Sentences

- **Short Term Extended Sentences (over four years)** – where the custodial sentence is less than 4 years, but the extended sentence takes the total sentence length over 4 years. These cases are referred to the Parole Board prior to EDL for licence conditions only.
- **Short Term Extended Sentences (under four years)** – where the custodial sentence is less than 4 years, and the extended sentence takes the total sentence length under 4 years. These cases are referred to the SPS Parole Unit prior to EDL for licence conditions only.
- **Long Term Extended Sentences for custodial sentences of over four years** - they are released at Sentence Expiry Date and supervised for the extended period only.

All determinate cases are reviewed at the PQD, and if release isn't granted, further consideration occurs within 12 months. Short term sentences are reviewed prior to EDL.

Release from all **determinate sentences happens at the EDL**, which is the end of the prison term. After this point, the individual serves the remainder of their sentence in the community under **non-parole licence**.

This release is automatic in law and does not require Parole Board approval. However, the person must comply with the licence conditions set by the Board and can be recalled to custody if they breach those conditions or commit new offences.

Parole

Who is eligible for parole, and when? *(continued)*

Life Sentences

- Those serving a life sentence can only be considered for release on licence once they have reached their **Punishment Part Expiry Date (PPED)** of their sentence.
- If released, they will be subject to lifelong supervision on **life licence**.
- If release is not directed, the Parole Board will set a review period of up to two years, and will continue to be considered until such time as they are released.

Order for Lifelong Restriction (OLR)

- OLRs are for serious offences (e.g. violent or sexual) that don't carry a mandatory life sentence.
- Like life sentences, release is only considered after the punishment part is served.
- If released, the person is subject to lifelong supervision and risk management.
- The review process and critical dates are the same as for life sentence prisoners.

Children and Young People

- Children and Young People sentenced to detention under Section 208 of the Criminal Procedure Act 1995 must be treated in the same way as long-term adults.
- Parole Scotland are responsible for considering the early release of Children and Young People cases sentenced to four years or more detention.
- Parole Scotland are responsible for setting licence conditions for all Children and Young People cases sentenced to less than four years detention.

Parole

Who is eligible for parole, and when? *(continued)*

Terrorist Offences

- This relates to someone, other than a life sentenced prisoner, who is serving a sentence for a terrorist offence.
- Short-term terrorist prisoners and long-term terrorist prisoners will be referred to Parole Scotland at the two-thirds stage of their sentence. The Parole Board is responsible for determining whether the prisoner should be released on licence.
- If release is granted for short-term and long-term terrorist prisoners who are released under Section 1AB of the 1993 act, their licence will expire at their Sentence End Date. However, if the Parole Board does not recommend release, they will remain in custody until their Sentence End Date.
- If Parole Scotland does not recommend release for a long-term terrorist prisoner, Scottish Ministers must re-refer the case within two years for a further review.

What is a License?

When an individual is released on licence, they must comply with certain conditions and be placed under the supervision of a JSW, who is responsible for monitoring the individual in the community.

If the conditions of the licence are breached, they may be recalled to custody and may end up serving the remainder of their sentence in prison.

Licence conditions are intended to help minimise the risk to the public when an individual is released into the community and must be actively managed to ensure that risk is maintained within acceptable levels.

Parole

What is a License? (*continued*)

It is the responsibility of the JSW to manage and proactively re-assess this risk at each stage of the individual's journey. The licence will require the individual to report promptly to the JSW identified at their social work office, co-operate with the JSW's instructions, be of good behaviour, and keep the peace.

They will also be required to inform their JSW if they:

- Change address or employment.
- Are questioned by the police.
- Wish to travel outside Great Britain.

There may also be additional conditions that are specifically included for that individual, for example, to comply with testing for substance use, or allow monitoring of electronic devices.

What does the Parole Board take into account when considering a case?

The Parole Board will consider all information contained within the parole dossier, including:

- The original offence from the Trial Judge Report
- Offending history
- Family and social background
- Plans for release

The Board is interested in the person's behaviours in prison throughout the sentence, not just those during the review period. They also consider whether the person has taken any steps to address their risk, which may have contributed to their offending behaviour whilst in custody.

Parole

What does the Parole Board take into account? *(continued)*

The main consideration will be to assess the degree of risk that the individual is likely to present to public safety if released, and whether this risk can be managed safely in the community.

The Rules also say that the effect of release on the safety or security of any other person (including in particular any victim or any family member of a victim, or any family member of the person concerned) may be taken into account.

Following a conviction for murder or culpable homicide, where the panel believes that the person concerned has information about where or how the victim's remains were disposed of which that person has not disclosed, this may be taken into account.

What is a Parole Dossier?

A dossier is a collation of different reports written by professionals involved in a case, which is referred to the Parole Board for consideration. The dossier contains:

- Any pre-sentencing reports
- Reports detailing the index offence(s)
- Warrants and any subsequent convictions
- Reports from prison staff
- Details of programme work undertaken in custody
- Prison Based Social Worker (PBSW) report
- Home background report from a JSW, or a combined social work report, known as a Throughcare Assessment Release on Licence (TARL) report
- Any representations received from victims
- A Healthcare Report

Parole

What is a Parole Dossier? *(continued)*

The Board may also request additional reports if required, which are specific to an individual's case and may impact on risk.

The person in custody will receive copies of the dossier for themselves and their legal representative, who may submit representations to the Board. Once approved and a hearing date is set, Parole Scotland will also send the dossier to legal representatives.

How is a case considered by the Parole Board?

A case is considered dependent on its type. A casework meeting (CWM) considers:

- Determinate Sentence Prisoners
- Extended Sentenced Prisoners - serving the custodial part of their sentence
- Recalled prisoners for these sentence types, as well as recalled short term sex offenders

A CWM is a closed session where a panel of Board Members consider the dossier and make a recommendation based on that information. Neither the prisoner nor their legal representative attends, although they can provide written representations to the panel (which will be included in the dossier).

If more information is needed, the panel may defer its decision and request it, with the case usually reconsidered by a different panel. The panel may also hold an oral hearing, calling witnesses (typically JSWs or PBSWs), with the person in custody and their legal representative invited to attend. An oral hearing can also be requested by the person in custody, or their representative.

Parole

A mandatory Oral Hearing considers:

- Life Sentence Prisoners.
- OLR Prisoners.
- Recalled Extended Sentenced Prisoners.

An oral hearing will be scheduled, with the prisoner and their legal representative invited to attend and submit written representations.

Under 2023 legislation, the legal representative must submit a Statement of Preparation confirming readiness or raising any issues in advance to minimise delays.

Witnesses may also attend, and the Life Liaison Officer (LLO) or Early Release Liaison Officer (ERLO) will present a release management plan. The Board will only direct or recommend release if satisfied that risk can be safely managed in the community.

Can family attend a CWM or oral hearing?

Families cannot attend CWM meetings or oral hearings under any circumstances. The Panel Chair will consider any related requests and decide whether to approve or refuse them. However, family or friends can submit written representations for the Board to consider.

Families may attend an Integrated Case Management (ICM) meeting within the establishment, where the parole process, risk considerations, and the person in custody's progress are discussed.

Integrated Case Management (ICM) is a collaborative process involving multiple agencies and individuals to address the complex needs of people in the criminal justice system. Its aim is to improve coordination of care, reduce reoffending, and ensure individuals receive the support they need.

Parole

Can victims attend an oral hearing?

Under certain circumstances, victims can register with the Victim Notification Scheme (VNS). Registration allows victims to be notified that the individual is being considered for release on licence and invited to make representations to the panel, providing an opportunity to share the impact the offence has had on them and any concerns they may have about the potential release of the individual, victims can also request to observe the hearing for Life sentence, OLR and Extended Sentenced prisoners.

What happens once a decision is made?

Once a case has been considered at a CWM meeting, the decision is usually issued within 24 hours to all parties, including the individual's legal representative and Justice Social Worker (JSW). It is sent to the establishment, where it is printed and given to the prisoner in a sealed envelope.

For an oral hearing, an Early Intimation Decision (EID) is normally issued on the day and provided to the person in custody within 24 hours in the same way. The EID includes the decision and, if release is granted, the licence conditions. If release is refused, it will confirm the next review period.

A full decision minute follows within 10 working days, explaining the Board's reasons. This is shared with relevant parties and issued to the prisoner, but not to families.

If release is granted, the prisoner must sign a licence outlining their conditions and, where applicable, the expiry date (life sentences and OLRs have no end date). Separate reporting instructions will confirm when they must meet their Justice Social Worker. Breaching licence conditions may result in immediate recall to custody and potentially serving the remainder of the sentence in prison.

Parole

Can my loved one appeal a decision?

There is currently no appeal against a decision of the Parole Board other than through Judicial Review. If an individual feels that their case was not dealt with in the appropriate manner, they can seek a reconsideration of their case through a solicitor, who will present this to the Parole Board. This is only appropriate when it is clear that there has been an administrative or procedural defect which affected the Board's decision.

If granted, can parole be withdrawn?

Once a decision has been made to grant parole it cannot be withdrawn. If there is an adverse development between the decision being made by the Parole Board and the prisoners being released, SPS can, on behalf of Scottish Ministers, refer a further dossier for consideration, on which the Parole Board can advise whether the revised level of risk presented by the individual would be considered manageable on licence.

What is the role of SPS Parole Unit?

Short Term Sex Offenders (STSOs)

- Those sentenced to 6 months and up to 4 years for a sexual offence.
- By law, they must be released at their EDL.
- Licence conditions are set by the SPS Parole Unit, in consultation with JSW.
- JSW is responsible for managing and supervising the prisoner in the community.

Short Term Extended Sentences

- The total sentence (custody + extended period) is under 4 years.
- These cases are referred to the SPS Parole Unit.
- They are automatically released at their EDL.

Parole

Consideration for release on compassionate grounds

All convicted prisoners may be considered for compassionate release if they meet the criteria. These cases are managed by the Scottish Prison Service (SPS) Parole Unit on behalf of Scottish Ministers. The Unit refers cases to the Parole Board, which makes a recommendation based on risk, with the final decision taken by the Cabinet Secretary. In urgent cases, the matter may be referred directly to the Cabinet Secretary.

All prisoners granted release on these grounds require to be released on licence and under the supervision of JSW. There are a number of grounds for which an application for compassionate release can be considered.

Grounds for Compassionate Release Medical Reasons:

- Terminal illness or death expected soon.
- Prisoner is bed bound or severely incapacitated.

Tragic Family Circumstances:

- Situations causing severe hardship to the prisoner or their family - beyond what the court could have foreseen.

Consideration for early review

An individual may request an early review due to a material change in circumstances, providing reasons and supporting evidence. Requests can be made by the prisoner or their legal representative.

For all sentence types except life sentences, the Scottish Prison Service (SPS) Parole Unit will assess the request and refer it to the Board if appropriate. Life sentence applications are submitted directly to the Board. The case will then be considered at a CWM meeting or oral hearing, depending on the case, with the final decision based on risk.