

TRANSFORMING PAROLE IN SCOTLAND

SUBMISSION FROM SOCIAL WORK SCOTLAND, TO SCOTTISH GOVERNMENT CONSULTATION

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Social Work Scotland is the professional leadership body for social work, working closely with our partners to shape policy and practice within social services. We welcome this opportunity to comment on the Scottish Government's proposals for improving the experience of victims in the parole process, increasing the openness and transparency of the Parole Board for Scotland ("the Parole Board") and ensuring the independence of the Parole Board.

STRENGTHENING THE VOICE OF VICTIMS IN THE PAROLE PROCESS

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

Yes. This would, however, need to be carried out in a safe and sensitive manner to avoid re-traumatisation for the victim. The purpose also needs to be clear to manage expectations. In this latter regard, we believe this should be about helping to determine if the prisoner can be managed safely in the community and what supports/measures need to be put in place to achieve this.

Notwithstanding the aforementioned there could be a greater role for Community Justice partners' in terms of their contribution to supporting the voice of victims in the system / process. We consider the inclusion of victims within the criminal justice system as a broader issue than solely within the workings of the Parole Board.

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

No. We have reservations regarding this as we believe it could be detrimental to the process, in terms of the potential to impact on the objectivity of the decision making. Moreover, where there is a negative outcome for the prisoner this could lead to re-victimisation of the victim. This could be a particular problem in domestic abuse cases where the victim could be pressurised into attending a hearing and where the prisoner is not successful in securing their release, then there may be a risk the prisoner blames the victim which then increases the risk of harm to them.

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

Yes. However, this already exists and is framed around the risk for the victim, their family and the community and is currently an integral part of the risk management planning for criminal justice social work and MAPPA partners.

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

No. We believe that the current system works well where criminal justice social work and, where appropriate, MAPPA partners are able to discuss and agree additional Licence conditions to manage identified risks and put these forward to the Parole Board for their consideration.

In addition we would welcome the introduction of a common test being applied in all release, re-release and recall cases considered by the Parole Board. This would assist in improving clarity, accountability and equity in the area of decision making. We believe the golden thread running through such decision making should focus on the risk of serious harm and whether this can be safely managed in the community. This would complement a policy journey which is aiming to remove the churn from prison and have the capacity to focus on interventions aimed at reducing risk associated with harm as well as promoting reintegration and desistance

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

No. Victims should be notified of the decision but not the reasons as this could potentially jeopardise the rehabilitation and re-establishment of the prisoner back into the community. This could be particularly problematic for smaller local authorities where for example housing stock is limited. In addition, they should also be informed of any Licence conditions which directly pertain to them such as prohibiting contact, exclusion zone etc.

ENSURING TRANSPARENCY AND IMPROVING SUPPORT FOR DECISION-MAKING

Question 6: Should others be routinely entitled to attend parole hearings?

No. The parole process is complex and the Parole Board already have the discretion to invite relevant people to attend. Attendance of victims and media may create undue influence in the process and may increase the risk to the prisoner. We agree there should be a scrutinised process. However, there is a question around confidentiality and as a key decision making process the attendance of victims and the media may inhibit and compromise the sharing of pertinent information. Additionally, it may compromise the prisoner's right to a private life in respect of their Human Rights.

We are also concerned about the implications for social work staff in terms of being identified in media reporting, along with the possibility of their professional opinions being misrepresented/distorted.

Finally, it is not clear what is meant by 'others'.

Question 7: Should information be routinely shared with others?

No. The consultation does not identify who the 'others' are? This needs to be clarified as the purpose is not explicit.

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

No. To publish information, particularly in relation to high risk individuals, could have a detrimental effect and impact on their risk management and resettlement back into the community. The issues of identifying appropriate accommodation for such individuals and assessing/managing potential for community reprisals are particularly challenging for this group. We would be concerned that the publishing of any information could exacerbate this further.

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

No. Although the Parole Board already publishes an annual report with appropriate statistical information, we believe they could do more to publicise and raise awareness of their activity and its impact particularly with pertinent agencies, e.g. victim support organisations. There is therefore a need to increase their visibility and their role in the criminal justice system.

The Parole Board has undertaken a number of development sessions with Criminal Justice Social Work staff at both national and local authority levels, which were well received by both front line and operational managers alike. This could be a model to consider going forward. However, there would undoubtedly be cost implications.

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

No. Query about the use of the word 'investigate'? If this pertains to alleged matters which were not prosecuted/proven in Court, Criminal Justice Social workers, where they are aware of these and consider them pertinent to managing the individual's risk in the community, will factor them into their risk assessments and make reference to them in the risk assessment narrative within their Parole Reports.

We think that current arrangements are sufficient and are not convinced about the case for change. It is also not clear what this would add to the process. Moreover, it is our understanding that Parole Board (Tribunals / Oral Hearings) currently has the power to cite relevant agencies and would query that the issue may be more about how this is currently being exercised.

INFORMATION FOR PRISONERS ON THE PAROLE PROCESS

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

No. We are aware that many prisoners involved in the parole process come from vulnerable and disadvantaged parts of society. Thus there is a need for processes aimed at improving communication and transparency to be sensitive to mental health, trauma and literacy issues. In addition, these prisoners are often serving lengthy sentences which in addition to problems of institutionalization can mean that they have missed out on (digital) technological advances and can find these intimidating as a result.

We acknowledge that there may be cost implications to making such changes.

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

Yes. There is a need to have Licence conditions in an 'easy read' format, for example, to assist prisoners with literacy and/or learning disabilities. It is also thought that to ensure consistency and clarity that this 'easy read' information should come direct from the Parole Board. Again, there may be cost implications to making such changes.

However, the circumstances can be more complex than just ensuring that the prisoner understands their Licence conditions. For example, immediate release can present practical challenges in terms of being able to facilitate and implement agreed risk management arrangements, particularly in the areas of housing and victim safety planning. We would suggest that working towards a pre-determined time scale set by the Parole Board for release may help to address such issues.

SUPERVISION, REVIEW AND RECALL

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

No. It is not clear what advantage there would be to an additional review process by the Parole Board or how this would be of benefit in the management of the individual particularly with those who have not engaged with the Parole process, e.g. Non Parole Licence. Criminal justice social work already have their own review system in place which monitors an individual's compliance, motivation and progress. Moreover, where issues are identified through the supervision/review process these are escalated to the Parole Board where appropriate. There are models in place in relation to community sentences, particularly DTTOs and it is clear that the strength is the relationship built up between the Sheriff and the individual through regular and consistent dialogue however it is difficult to see how this would be replicated through this process..

There would also be cost implications associated with providing an additional review mechanism.

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

No. We believe that much has been done over the last year or so, particularly through the revised throughcare breach process, to improve the speed and immediacy of decision making in this area. Criminal justice social workers report that there are good relationships with the Parole Unit and liaison regarding recall.

INDEPENDENCE AND GOVERNANCE (OF PAROLE BOARD FOR SCOTLAND)

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

No. There is merit in the autonomy and separateness of the Parole Board from the judiciary and we cannot see how bringing them under the Scottish Tribunals process will enhance their independence.

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

Yes. A mechanism for decisions to be reviewed and appeals to take place should be available to the prisoner. However we would suggest that the process for this to take place should sit out-with the current judicial framework/ arrangements and in so doing may assist in making this a more expedient process. In a separate but related issue, we would point to the role of quality assurance processes in assisting with the scrutiny of Parole Board decision making to ensure consistency of performance and would suggest greater transparency in this area may also be helpful.

For further information, please do not hesitate to contact:

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