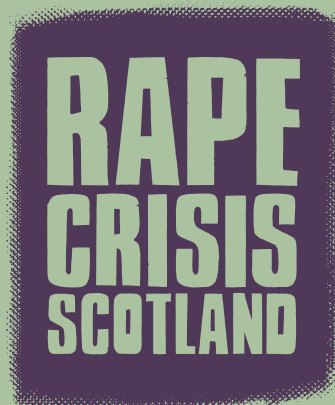




# CONSULTATION

'Changes to the  
Parole Board  
(Scotland) Rules 2001'  
Consultation  
Response (2022)



## **Consultation on Changes to the Parole Board (Scotland) Rules 2001**

### **Submission on behalf of Rape Crisis Scotland**

#### **1. Do you agree or disagree that provision should be made for the appointment of a special advocate to represent the prisoner's interests in the consideration of the damaging information being withheld?**

Disagree

In respect of these proposed provisions, we direct our answer towards circumstances where the 'damaging information' relates to the victim/ survivors of sexual violence or rape rather than any other circumstance this provision may be used for.

In the determination of a prisoner's eligibility for parole the parole board will likely be given sensitive information regarding the survivor. This could include her whereabouts, family connections, workplace or details regarding her physical or mental wellbeing. These are all details which could potentially place a vulnerable survivor in danger. There are also factors of privacy to be considered, the feelings and ramifications of a crime of sexual violence on the victim/ survivor may be personal information which she does not wish to have disclosed to her abuser. Care should be taken to ensure the safety and privacy of the survivor at all times.

With regard to the use of special advocates in these circumstances, we would submit that having a special advocate challenge these types of 'damaging information' is wholly inappropriate. The information of the survivor at this stage in proceedings should be taken at face value, her safety and privacy should be prioritised. We note that the parole board could call witnesses to parole hearings and that this could involve the special advocate challenging information from the survivor broadly just so as to ensure it has been through some 'adversarial' test. This has potential to be an incredibly distressing process for a survivor and should not be allowed to happen.

#### **2. Do you agree or disagree with the additional reason for information to be withheld from the prisoner if the interests of national security are at risk**

No comment

**3. Do you agree or disagree that there should be a provision which asks the Parole Board to consider the failure to reveal a victim's body as a specific matter they should consider?**

Agree

We strongly agree with this provision being added. In crimes of gender-based violence, including rape and sexual violence, the motive of the perpetrator includes that of controlling their victim whilst at the same time having an utter disregard for them as an individual. In cases where this has resulted in the death of the victim we are talking about the most dangerous and high-risk perpetrators. If that individual is unwilling to reveal the location of the victims body it continues to show this attitude, even after all that time they regain some form of control over the victim and inflict further pain on her family and loved ones. This shows they are entirely unsuitable for parole and should be an important consideration for the Parole Board.

We would draw the governments attention to those women who suffered cruel and violent deaths at the hands of male partners such as Renee Macrae (along with her son, Andrew) and Susanne Pilley who have never be found despite their murderers being alive and in possession of that information.

**4. Do you agree or disagree with the change of term from 'may consider' to 'must (where relevant) consider' in this specific rule?**

Agree

There should be a requirement that they 'must' consider this information.

**5. Do you agree or disagree that only victims registered on part 2 should be contacted in regards to observing parole hearings?**

Agree

We agree that only those registered on part 2 of the process should be contacted regarding this however this is based on the premise that they will have been given full information regarding what they are being signed up for and what that particular part entails. Care needs to be given to ensure that survivors are given clear and detailed information allowing them to make an informed choice as to their right to view a parole hearing and how they can do this.

**6. Should the redacted/anonymised decision minute be sent to all victims registered with the scheme or only victims registered with part 2 of the scheme**

As above, those in charge of the VNS should be clear about what information victim/ survivors wish to receive and ensure they are provided with this.

**7. Do you agree or disagree that provision should be made in the rules making clear the Parole Board must consider the most up to date risk management plan which has been approved by the Risk Management Authority and that an up-to-date plan should always be available, where it has been prepared by the lead authority?**

Agree

It should be a condition that the Parole Board need to consider the most up to date Risk Management plan and it should always be available to them. This is key information regarding the safety of the decision to release a prisoner and it seems inconceivable that the Parole Board would make a decision without giving this

proper consideration. We see this as an important aspect of preventing future violence to women and girls and preventing trauma and harm to victims.

**8. Do you agree or disagree that the decision note should provide the rationale for the reasons to release when the reasons are contrary to the risk management plan and that provision should be included in the rules?**

Agree

We submit that the Parole Board should provide a rationale for the reasons to release a prisoner in any event but especially where this goes against a risk management plan and should be included in the rules. The release of a perpetrator from custody can be an extremely traumatic time for a survivor and may also include an actual risk to her physical and mental wellbeing. If the Parole Board go against a risk management assessment, then she should have the full information available to her to understand the reasons for that decision. This is an important step in transparency of decisions and accountability of the Parole Board to victims and survivors.

**9. Do you agree or disagree with the proposal to allow a review of a Parole Board decision if:**

- **additional information or documentation becomes available,**
- **the decision is procedurally unfair, or**
- **the decision was irrational**

disagree

If the Parole Board have made a decision then this should not be subject for a review within such a short time frame.

The provisions to re-assess parole cases is already sufficient to allow fair consideration of the suitability of parole. The suggested provisions would allow

for additional procedures and a lack of certainty for victims. Should a victim have received information confirming the perpetrator is not being released it would be distressing to have a review of this a few months later, these continued challenges would not be in their interests.

**10. Are there any other circumstances which you consider a review of the decision should be available?**

No answer

**11. Do you agree or disagree, that if a prisoner lacks capacity to make decisions for themselves the Parole Board should be able to appoint a representative for them without their agreement?**

No answer

**12. Do you agree or disagree with the proposal to include a check list to assist the individual to be in the best state of preparation in order to fully participate in a parole hearing?**

Agree

We agree with these provisions and note that deferrals of parole hearings can cause distress to victim/ survivors. This could help to reduce that.