At the meeting of the Justice Committee on 24 April 2018 I undertook to provide further information on the perceived administrative/practical benefits of doing away with the requirement for a judge and a psychiatrist as members of the Parole Board for Scotland.

The current arrangements were introduced at a time when the Parole Board’s membership was much smaller and it sat as a single body to consider all cases for advice to the then Secretary of State in relation to parole. This meant that the senator and the psychiatrist sat on all hearings to consider parole. The Board now has in excess of 40 members and usually sit in panels of three. The experience of Board members is broad and drawn from a range of professional backgrounds including legal, social work, prisons and mental health - this breadth of knowledge is one of the Board’s strengths. Panels are chaired by a legal member with at least ten years standing as a solicitor or advocate.

If a senator and psychiatrist were to sit on every hearing something in the order of 3 senators and 3 psychiatrists would be required every day. In practice, the senator member of the Board, because of competing demands, rarely sits on a panel and it is considered this role can now be fulfilled by a legal member. Although the criteria for a legal member is not set out in the Prisoners and Criminal Proceedings (Scotland) Act 1993, when advertising for new members it is required that they will be solicitors or advocates with at least 10 years standing, be a current or former Senator of the College of Justice; or a current or former Sheriff Principle, Sheriff or Summary Sheriff. This widens the pool of people who can sit on the Board and is a requirement which is set out in the Parole Board (Scotland) Rules 2001 for members hearing part IV cases (i.e. Tribunal cases).

Whilst there is currently a psychiatrist member, because panels are scheduled from across the membership, the psychiatrist member sits on only a small proportion of all panels. The Board also considers reports submitted in the dossier from relevant professionals - if there is insufficient information in the dossier the Board will require further relevant reports to be submitted and/or in the case of Oral Hearings or Tribunals can require relevant professionals to appear as witnesses, thus providing further expertise if required.

As current practice has evolved the requirement for a senator or psychiatrist member has become less relevant, and it is felt that this specific requirement is no longer practicable and adds no significant value to the effectiveness of the Board’s decision-making. In light of the desire to continually simplify and modernise the work of the Board it makes sense to remove requirements that add complexity but do not improve effectiveness or contribute significantly to public safety.

Should you require any further information, please do not hesitate to contact me.