

Voices in Justice: A Consultation on Parole Reform in Scotland

Response from Scottish Women's Aid - November 2025

ABOUT

Scottish Women's Aid (SWA) is the lead organisation in Scotland working to end domestic abuse and plays a vital role in campaigning for effective responses to domestic abuse.

SWA is the umbrella organisation for local Women's Aid organisations across Scotland, each providing practical and emotional support to women, children and young people who experience domestic abuse. The services offered by our members include crisis intervention, advocacy, counselling, outreach, follow-on support and temporary refuge accommodation.

We also run the Scotland's Domestic Abuse and Forced Marriage Helpline taking over 1000 calls, WhatsApp messages, and texts (24h/365) every month.

Introduction

Domestic abuse offending has serious and long-lasting consequences for women's enjoyment of their human rights, including their right to health and access to justice. Under international human rights law, governments must act with "due diligence" to protect women from, domestic abuse and other forms of gender-based violence. As highlighted by the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW): *"The failure of a State party to take all appropriate measures to prevent acts of gender-based violence against women in cases in which its authorities are aware or should be aware of the risk of such violence, or the failure to investigate, to prosecute and punish perpetrators and to provide reparations to victims/survivors of such acts, provides tacit permission or encouragement to perpetrate acts of gender-based violence against women. Such failures or omissions constitute human rights violations".¹*

Where an individual has been brought before the courts on a domestic abuse charge, the authorities are very well aware of the risk they may pose (or they should be well aware) and, therefore, decisions around release from prison and parole are particularly important in upholding the government's human rights obligation to women experiencing domestic abuse.

In addition, the EU Directive² establishing minimum standards on the rights, support and protection of victims of crime, which was incorporated into Scots law via the Victims and Witnesses Scotland Act 2014, states that *"Victims of crime should be protected from secondary and repeat victimisation, from intimidation and from*

¹ UN Committee on the Elimination of all forms of Discrimination Against Women, General Recommendation 35 on Gender-Based Violence Against Women, para 24(b)

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=EN>

DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice...”

Throughout the consultation document, there are references to decision-making, on who is suitable to benefit from the proposed reforms, being done with regard to public safety and following risk assessments. SWA agrees that these are essential principles; however, we have serious concerns about the effectiveness of the processes currently in practice, the lack of specific focus on victim safety and what that would mean for the implementation of the proposed reforms.

We know from the experience of the Women’s Aid network across Scotland that there are numerous problems with the current system of decision making so it is vital to ensure that both all those involved in assessing what information is relevant to a risk assessment and those conducting risk assessments must be domestic abuse competent, having a full understanding of the dynamics of domestic abuse and the ways that abusers may manipulate the criminal justice system in order to further their abuse. Domestic-abuse-competent risk assessment must reflect the heightened danger when coercive and controlling behaviours are exhibited by abusers and avoid overemphasis on physical violence. This is a critical feature of system improvement needed to protect child and adult survivors of domestic abuse.

The consequences of inadequate risk assessments leading to decisions to release dangerous domestic abusers are potentially severe for women.

SWA has long campaigned for improvements in how the justice system treats women, children and young people experiencing domestic abuse as victims of crime. Attention has been, of necessity, focussed on the more immediate matters of victim engagement and protection, before and during the court process. As a consequence, the continuing need to ensure victims’ safety and security while perpetrators serve their sentence, specifically custodial and community sentences, has not been given the consideration it now urgently needs. Women and children experiencing domestic abuse must be protected from dangerous and predatory abusers released from prison

Therefore:

- The Parole Board Scotland’s (PBS) must engage with victims and victims’ voices and safety should more directly inform PBS’ considerations around parole and early release and licence.
- Victims should have a right to have full information around the reasons for parole decisions and re-release after recall explained.
- Greater transparency of decision-making and how these decisions are communicated to victims.
- Improvements made to licence conditions, supervision, compliance monitoring with clear and robust mechanisms to return individuals to custody quickly should they breach their licence conditions.

We note the comments in the consultation paper that this current document is “...building on the reforms informed by the 2019 consultation *“Transforming Parole in Scotland...”* SWA responded to that ³ and it is disappointing that this current

³ https://consult.gov.scot/justice/transforming-parole-in-scotland/consultation/view_respondent?show_all_questions=0&sort=submitted&order=ascending&q__text=scottish+women%27s+aid&uuld=760634614

consultation is revisiting many of the issues raised in 2019 that remain unaddressed, particularly those that could be addressed within the PBS Guidance⁴, which has been recently revised.

Question 1. Would you support the introduction of a definition that clearly states the purpose of parole in Scotland? Yes/No/Not sure/Other

Yes- but with reservations depending upon how this definition is worded and for whose benefit it is intended, as the wording will dictate whether it engages victims and clarifies their position and status.

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

Neither of the definitions quoted in the consultation paper, from Victoria and Canada, make explicit reference to victim safety, only saying “...*parole’s main purpose is to increase in public safety...*” and for “...*The protection of society...*”.

- The definition must explicitly include reference to the protection and safety of victims, through the exercise of appropriate, victim-informed risk assessment processes.
- SWA opposes inclusion of any “expression” of “remorse” being regarded as a positive factor or consideration around parole. This is a particular issue in relation to domestic abuse, where perpetrators contrive “apologies” and “remorse” to prevent women leaving and/or reporting the abuse.
- It is not clear whether parole and early release of perpetrators of gender-based violence (GBV) related offences can play any valid and meaningful part in their “rehabilitation” and “integration” into the community, given the risk that such offenders pose to not only their victim or victims, but also to women generally.

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?

Yes – in all cases /Yes – but only in certain types of cases (e.g. indeterminate cases, high-profile or public interest)/No – decision summaries are sufficient/Other/Not sure / No opinion

No– decision summaries are sufficient/Other.

We do not support the PBS publicly publishing full versions of decision minutes including reasons for the decision and evidence heard at the oral hearing.

We note that the Parole Board for England and Wales provides, subject to certain exceptions, decision summaries, not only to victims who request it, but also to third parties, such as the public and media.

Victims, however, must be provided with a detailed explanation, not simply a summary of the decisions made concerning release and/or conditions imposed. We oppose further publication of this.

⁴ <https://scottishparoleboard.scot/wp-content/uploads/2025/07/Members-Guidance-Manual.pdf>

While the PBS should publicise information about their work and parole licence decisions, victim confidentiality must be preserved and any such public publication must anonymise the victim, offender and redact specifics that could identify them and cause distress: -

- Information relating to a perpetrator could easily identify women, children and young people whose identities and whereabouts have been withheld by the court and this cannot be released into the public domain.
- Similarly, sensitive and personal information on victims and their circumstances, both now and at the time of the abuse, that influenced decisions not to release, or that necessitated the imposition of innovative licence conditions, cannot be divulged.
- Decision minutes, etc, may include sensitive and upsetting details of the crime which could not only upset and traumatise the victim and/or family but also potentially lead to the identification of the victim.

However, it is very important that the victim and/or family themselves have access to this information so if they request it, it should all be made available to them or to a person providing support, such as a local Women's Aid specialist domestic abuse service, which we address further in Question 7 below.

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?

-Not anonymised – decisions should be published in full, including the names of relevant individuals (if appropriate), to promote transparency (this would not be absolute, and redactions considered on a case-by-case basis)

-De-identified – decisions should be published with straightforward identifying details like names and addresses removed.

-Anonymised – decisions should only be published with all potentially identifying information removed, so that nothing about the case, evidence or sentence mentioned in the decision could be used in combination with information from other sources, to identify anyone.

-Other

-Not sure / No opinion

Anonymised –decisions should only be published with all potentially identifying information removed, so that nothing about the case, evidence or sentence mentioned in the decision could be used in combination with information from other sources, to identify anyone.

For information being made publicly available, this is required.

Question 5. Should the Parole Board publish more detailed information about how their decisions are reached (e.g. guidance, criteria, case studies)? Yes/No/Other/Not sure/No opinion

YES- SWA's position is that the PBS should publish guidance, decision-making criteria and similar documentation in detail apart from case studies, which should be constructed in a way that victims are not readily identifiable.

Case studies should include information on the nature and outcome of any risk assessments which have been carried out prior to a decision to release an offender; factors taken into account in this risk assessment, what influenced the final decision to release or not release and where the PBS has chosen not to impose a particular set of protective conditions, reasons why.

They should be accompanied by an emphasis that all decisions are made on a case-by-case basis so while a particular decision was reached in a specific case, it is an example and not a firm rule as to the PBS approach.

Also, the PBS website should be made more “victim friendly”, with a better explanation of how victims are part of the process.

The different processes operated by the Scottish Prison Service (SPS) and the PBS are confusing. There must be clarity about their different roles and responsibilities and how they both facilitate and process representations from victims around prisoner release.

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?
Letter/ Email/Phone call/Video call/In person/Not sure / No opinion/Other, please specify

Letter/ Email/Phone call/Video call/In person

All options should be offered and contact should be done in whatever single or multiple formats the victim requests. Communication should be according to the victim’s wishes and provided in a trauma-informed way that does not cause further distress by raising concerns about the perpetrator that may not have been an issue for the victim.

We also reiterate the comments made in our 2019 response that unless the victim has joined the Victim Notification Scheme (VNS), they will be unable to receive or even access any relevant information about release and parole so the work to reform the system must progress swiftly to keep pace with the reforms suggested in this paper.

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

In relation to those who have committed offences involving domestic abuse, rape and sexual abuse and stalking, women and their children have a right to know whether the State is complying with its obligations to protect them and enforce their human rights, both when the State is deciding whether or not to release and, on the circumstances, governing that release.

The Victims’ Code for Scotland, under which PBS have statutory duties, sets out victims’ rights in terms of information and participation.⁵ In relation to parole decisions, victims should be provided with a detailed explanation. This should include:

⁵ <https://scottishparoleboard.scot/wp-content/uploads/2024/01/VictimCodeForScotland.pdf>

- Information on the nature and outcome of any risk assessments which have been carried out prior to a decision to release an offender.
- Detailed information on exactly what information was considered and who was consulted/invited to supply information into the release dossier will be invaluable to women.
- What consideration and weight were given to the views, concerns, information supplied to the PBS by the victim and any support organisation in the risk assessment, the PBS' final decision to release or not release and licence conditions imposed or not.
- Reasons behind the final decision to release or otherwise.

In terms of safety planning, the following must also be supplied as part of this process:

- Precise details of the licence conditions imposed, a contact number for the police and social work professional supporting and supervising the release and a clear timeline and system response, including return to custody, that victims should expect when reporting a breach of licence conditions.
- Where the PBS has chosen not to impose a particular set of protective conditions, victims should be entitled to know the precise reasons why the PBS determined that such conditions were not needed to secure their safety.
- Exact release dates and geographical location of the perpetrator as this will be crucial to support safety planning for women, children and young people.

It is not sufficient simply to send this information out to victims, and it would be bad practice to do so where serious concerns around the prisoner's release had been voiced by victims, particularly if the licence conditions did not address these concerns. Victims and their support workers should meet with representatives of the PBS and have the PBS rationale and conditions explained

An issue that continues to be unaddressed is the matter of temporary release. Victims are still not routinely advised when offenders are out on temporary release, either for training and work placements. The victim is only informed when the offender first becomes eligible for temporary release and not about each individual period of temporary release thereafter, or any further reconsideration.⁶

Also, of concern is that in certain circumstances, particular categories of offenders who are being re-released after having been recalled to prison, are released immediately following a direction from the PBS. It is therefore possible, in these cases, that the offender will have been released before the victim is advised.

In both situations, it is wholly unacceptable that women experiencing domestic abuse are unaware that their dangerous abuser has been released, particularly where this is in the victim's local community, and that this release took place without any consultation or input from vulnerable victims and without an accurate and up-to-date risk assessment. This must be remedied as a matter of urgency so that women and children's safety is not compromised.

⁶ See pages 19, 21 and 22- Risk Management, Progression and Temporary Release Guidance https://www.sps.gov.uk/sites/default/files/2024-02/RiskManagementProgressionTemporaryReleaseGuidance_2021_Policies.pdf
Victim Notification Scheme- Victims of Crime- <https://scottishparoleboard.scot/wp-content/uploads/2024/01/VictimNotificationSchemeGuidanceForVictimsOfCrime.pdf>

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

-Yes, there should be automatic rights to attend and observe oral hearings.

-No, the current arrangement where victims/survivors request to attend is appropriate.

-Other /-Not sure / No opinion

Yes, victims/survivors, who are registered under the VNS should have the automatic right to attend and observe oral hearings

The process must be fully explained to victims, particularly that “attendance” means that they are observers only, will not be able to participate and why this is the case. It should be explained that “attendance” will be facilitated by a live video link, as opposed to them being present during the oral hearing in person,⁷ and that they have the option of bringing an identified support worker with them.

The voices of not only women, but also children and young people who have experienced domestic abuse and who are also victims of the perpetrator, must be meaningfully included in the process, particularly around how parole release and conditions may impact on their lives and safety. Work done by SWA and partners through both the “Power Up/Power Down⁸” and “Everyday Heroes⁹” projects would be useful to the PBS and Scottish Government’s considerations as to how best to achieve this engagement and SWA would be pleased to further discuss how we could support work in this area.

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?

Yes – every victim/survivor should have the right to request to observe an oral hearing relating to the person who committed the crime against them.

No – Only victims/survivors in the most serious cases should have the right to request to observe an oral hearing.

Other /Not sure / No opinion

Yes – every victim/survivor should have the right to request to observe an oral hearing relating to the person who committed the crime against them.

This reform should go even further to allow previous victims of an offender to participate. This is particularly important for the safety of women who are victims of domestic abuse perpetrators, particularly serial perpetrators, where the perpetrator is currently in prison for an offence which does not involve them but he remains a risk to them and other previous victims.

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

-No-one beyond the victim (or, where a victim has died, specified members of their family)

-Members of the public;-Accredited journalists or media;-Legal professionals and researchers;-Social workers;-Other professionals for training purposes

-Other, please specify ; -Not sure / No opinion

⁷ <https://www.legislation.gov.uk/ssi/2022/385/introduction/made> Parole Board (Scotland) Rules 2022

⁸ <https://womensaid.scot/project/power-up-power-down/>

⁹ <https://everydayheroes.sps.ed.ac.uk/>

- **Accredited journalists or media**
- **-Legal professionals and researchers**
- **-Social workers**
- **-Other professionals for training purposes**
- **-Other, please specify** – A woman, child or young person's support worker from a Women's Aid specialist domestic abuse service can be appointed by the victim to support them, or if there is no-ongoing support, such a support organisation could be approached to accompany the victim during this process.

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?

Yes – every victim should have the right to give oral representation to the Parole Board for Scotland

No – the current approach is appropriate. Only victims in the most serious cases should be able to give oral representation to the Parole Board for Scotland

Other /Not sure / No opinion

Yes – every victim should have the right to give oral representation to the Parole Board for Scotland.

Victims must be advised that this can be done via telephone and also that these representations will be transcribed and agreed with the victim before consideration. The victim should be able to make oral representations to a case panel member or members dealing with the case, not simply a member of PBS.

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?

Information on:

- Rights of prisoners, how the parole process works in terms of timings for prisoners' release, rights to be reheard and time periods for this.
- Victims' rights in terms of participation, input and attendance.
- Victim's written representations - what happens to those and the fact that the offender can read these; whether they will be used in the next parole hearing or whether they will be required to submit fresh representations.
- Oral representations - that these can be given by phone, will be transcribed and agreed with the victim before consideration.
- Trauma based practice and their safety.
- How parole eligibility is assessed; risk assessment and how risk posed to victims, not just "the public", is assessed; what weight is given to various factors; who can contribute to these assessments, what information the PBS seeks and from whom
- The weight assigned to a victim's contribution and whether the PBS will consider input from the victim's support worker.
- What is considered to be a "manageable risk", when this applies and why.
- Reasons for release or detention.
- Licence conditions - how they operate, what happens on breach; what is considered a breach; the speed of response to a breach, particularly in terms

of different types of breach and their impact on victim safety; how victims will be kept safe while a breach is reported and during any recall to custody process.

- When a prisoner will and will not be recalled; if a prisoner is not recalled, how a victim at risk would be kept safe while the prisoner remains on licence in the community.
- Deadlines and timescales for submissions of paperwork, written representations and applications to attend oral hearings and with an appreciation of the possible trauma caused by a parole notification arriving unannounced and at a sensitive time for the victim.
- Nature of attendance to observe hearings, namely by video link; that they are observers only, not participants, to prevent them being cross-examined as a witness; and the right to have a supporter accompany them.
- MAAPA on release of the prisoner and how an OLR operates on release.

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?

While videos can be helpful in explaining processes, particularly a mock depiction of a hearing and a determination, internet provision is not consistent across Scotland, people have different levels of capability in accessing material and access to materials via a phone may be difficult. In-person, written and phone options must always be available.

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

Improved information to victims on the availability of support services, particularly specialist support services, like Women's Aid, for GBV and abuse-related offending such as domestic abuse.

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?

-Yes – I support a single test for all cases.

-No – I believe different tests should continue to apply depending on sentence type.

-Other

-Not sure / No opinion

SWA- No –different tests should continue to apply depending on sentence type

Considerations of risk and eligibility in relation to GBV-related offending, such as domestic abuse, and the very specific issues that present, cannot be shoe-horned into one standard test. The risk posed by a perpetrator of domestic abuse will be quite different from that posed by other offenders and may involve consideration of a variety of issues including stalking and sexual offending.

This underlines the importance of PBS members having a thorough understanding of the dynamics, causes and impact of domestic abuse. SWA would welcome the opportunity to input to the development of PBS training and Guidance in this area.

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?

-The test(s) should continue to be based solely on risk assessment.

-The test(s) should combine risk assessment with an individual's readiness to reintegrate.

-Other

Not sure / No opinion

SWA considers that the test(s) should continue to be based solely on risk assessment of the specific risk to the victim or victims, not just the general public/society.

We have considered the various components of risk assessment and would comment as follows:

- **"Public safety"**

There are many different tests, depending on the type of sentence, referred to in the PBS Guidance Manual, for instance, in paragraph 9.1.1, but they all focus on "*protection of the public*" and "*public safety*".

This broad focus is problematic and suggests that the risks posed to a woman experiencing domestic abuse are not being appropriately assessed. The main consideration must be the safety of identified victims, and other victims of the offenders' previous offending where the nature of the offending, such as domestic abuse, means that they pose a tangible and real risk to their safety.

One test, referred to in paragraph 6.3.1 of the PBS Guidance Manual, requires "... *that the PBS is satisfied that such risk as the person poses can be managed safely in the community.*" It is not clear how the PBS would assess how the risk a perpetrator of domestic abuse poses to his partner/ex-partner and children can be safely managed and how this will be managed if the victim disagrees with the PBS.

- **"Acceptability of risk"**

Where a victim has made written and oral submissions on their very real concerns for their safety, it is unclear how any degree of harm posed by a perpetrator of domestic abuse to his partner/ex-partner and children can be assessed as "acceptable."

In relation to GBV and domestic abuse, the best assessment of risk comes from the victim themselves. If they are expressing concerns, these must be taken seriously and given primacy over any psychiatric evaluations or considerations by professionals who do not know the offender and what he is capable of.

- **Victim input to risk assessment consideration**

Paragraph 7.2.5 of the PBS Guidance states "The *dossier* **may** contain *representations from a victim or victims.*" (Our emphasis). Research shows that victims' own perceptions of risk of further harm are as accurate as some structured

risk assessment tools and that victims are well placed to know the imminent and future threat posed by the perpetrator.^{10, 11}.

The dossier must include such representations, where the victim wishes to contribute, so it is important that every effort is made to actively engage victims and obtain their input to this process where they wish to do so. The experiences of women using our local Women's Aid specialist support services is that women, children and young people experiencing domestic abuse need a more extensive, transparent and meaningful role within the parole process. Their voices must be heard through direct representation to, and engagement with, the PBS to convey information and concerns about the potential release of a perpetrator on a parole licence. In turn, this engagement must be used to better inform the PBS' considerations and decisions around parole and it is important that this includes a clear explanation to victims by the PBS of the decision making and risk assessment processes and reasoning behind both any release on license and conditions imposed on that licence.

The PBS must obtain and properly consider information from women, children and young people at every stage of the process. A good practice example are the recently revised RMA Standards and Guidelines for Risk Management¹² which make frequent references to the need to consider domestic abuse, input from victims and from third party organisations supporting them.

However, engagement will not work if the process fails to take women and children's representations seriously and affords them a lesser status than reports from statutory organisations or "professionals". Women, children and young people experiencing domestic abuse need assurances that information they provide will form an active part of materials considered by the PBS. PBS members therefore must be fully domestic abuse competent.

In terms of the assessment for release being informed by "*multiple professional reports*", this must include submissions from specialist support organisations working with the victim, if the victim wishes to submit these, in addition to their own written representations. Specialist support organisations will be privy to information that the other bodies are not, particularly around third-party harassment from prison or the perpetrator directing his family and friends to carry on the perpetration of abuse and control from outside the prison.

We understand that within its parole licence review processes, the PBS operates two main routes of consideration; a casework meeting, usually held in private, where, it appears, victims' representations are neither sought nor considered, and tribunal hearings, usually reserved for life prisoners, where victims can make oral representations. Victims need to have a voice in both processes. The casework meeting process will require reform to allow victims to actually submit representations.

¹⁰ <https://www.gov.scot/publications/improving-multi-agency-risk-assessment-interventions-victims-domestic-abuse-analysis-consultation-responses/documents/>

https://eige.europa.eu/sites/default/files/documents/20191701_mh0119277enn.pdf.pdf

<https://library.college.police.uk/docs/college-of-policing/Domestic-Abuse-Risk-Assessment-Rationale-2022.pdf>

¹¹ <https://library.college.police.uk/docs/college-of-policing/Domestic-Abuse-Risk-Assessment-Rationale-2022.pdf>

¹² <https://www.rma.scot/standards-guidelines/risk-management/>

Factors taken into consideration during risk assessment

- **Lack of reference to GBV and domestic abuse in particular**

There is no reference to the particular risks and issues posed by perpetrators of GBV and the specific considerations that arise when considering release on parole licence for such offenders.

The consultation paper lists various factors that the PBS has to consider and different tests that they apply. In relation to the “factors”, the person’s behaviour in custody must, for perpetrators of domestic abuse, consider and include actions taken by them, or through third parties inside or outside prison, to continue the abuse against their partner/ex-partner. This is where the representations from the victim and any support organisation working with them are vital in contributing to the risk assessment.

- **Readiness to reintegrate**

Clarity is needed on what is meant by an offender’s “readiness to reintegrate”, and how it is assessed particularly in relation to perpetrators of GBV, specifically domestic abuse.

- **Parole Dossier, Risk assessment process and tools**

Paragraph 9.2 on page 41 of the current Guidance for PBS members¹³ states “9.2.1 *In making a judgement on a case the Board is making a risk assessment based on all of the information in the dossier including formal and structured risk assessments reported in the dossier that have been based on established and accepted procedures. Social work reports and psychological reports in the dossier should describe in broad terms the risk assessment tools that have been applied in reaching a view on risk* “

There are many different types of risk assessment tool. One size does not fit all, so the choice of tool also plays a significant role in which type of “risk” is assessed and the weight given to various factors. Also, the utility of a risk assessment depends on the information it conveys, which, in turn, is contingent upon the expertise, experience and exercise of professional judgement on the part of the person assessing the risk. If risk assessment is reduced to a numerical assessment or ““tick-box” exercise, subtleties of offending behaviour such as domestic abuse can be missed.

The PBS and contributing parties must understand the focus of the inquiries and nature of the information sought if it is to be of any relevance. This clearly demonstrates the importance of all parties to this process having a thorough, robust, and gendered understanding of causes, effects and dynamics of domestic abuse, through training delivered by SWA, in our capacity as the lead organisation in Scotland working to end domestic abuse. PBS members must have a set of competencies around understanding of domestic abuse-related offending as a central component of their skill set, since they will hear information about the offence from the perpetrator themselves as part of the parole review. From what we know of how abusers distort truths, minimise the abuse, blame women and skilfully manipulate the criminal justice processes to their own ends, PBS members must be

¹³ <https://scottishparoleboard.scot/wp-content/uploads/2025/07/Members-Guidance-Manual.pdf>

able to capably assess this information and accurately identify and deal with any ongoing risk to women and children posed by perpetrators of domestic abuse.

The Guidance references, as screening tools, only Level of Service Case Management Inventory (LS/CMI), and for sex offenders, the Risk Matrix 2000 (RM2000), along with Stable and Acute 2007 (SA07) to track changes in the risk presented over time. LS/CMI is inappropriate for considering and assessing such risk so the inclusion of specific tools such as the SARA risk assessment for domestic abuse¹⁴ is necessary.

We would also want to see the inclusion of the very specific risks posed to victims in relation to perpetrators of GBV, honour-based violence related offending or stalking.

A “Parole Review Dossier” of information from several different parties that the PBS requires to compile must specifically address the risk that the offender poses to the victim, not the community as a whole, an important emphasis when dealing with perpetrators of domestic abuse.

Article 2 of the European Convention on Human Rights details that, in relation to domestic abuse, where risk assessment indicates a real and immediate risk to life then the relevant authorities should take preventive operational measures adequate and proportionate to the level of the risk assessed – see caselaw of the European Court of Human Rights.¹⁵

Risk assessment is obviously one of the tools used by the SPS, social work and the PBS. Risk assessments are not discrete, “stand-alone” indicators so additional sources such as information from the woman and her children, specialist support workers such as those from our local Women’s Aid services and the police, are important in building up the whole picture of perpetrator risk and victim safety.

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?

For tribunal hearings, it is not clear whether inputs from victims form part of this body of evidence used in consideration of parole decisions, or are considered only in relation to licence conditions after the substantive decision to release has been made. In casework hearings, it does not appear that they even feature as part of the evidence. This anomaly needs urgently addressed since representations from women, children and young people experiencing domestic abuse, and from their specialist support workers such as those from our local Women’s Aid services, are a crucial part of the Parole Review Dossier of information relevant to the decision whether or not to grant parole. Important and relevant information will be missed and women and children’s safety compromised if they are not included early in the process prior to release.

There are very specific categories of information and reports sought from the various parties already consulted by the PBS in compiling the dossier. In relation to domestic

¹⁴ Spousal Assault Risk Assessment Guide Version 3 (SARAV3) <https://www.rma.scot/wp-content/uploads/2023/01/Spousal-Assault-Risk-Assessment-Guide-Version-3-SARAV3.pdf>

¹⁵ <https://ks.echr.coe.int/documents/d/echr-ks/domestic-violence>

abuse, when obtaining, and considering, reports and information, particularly information from the woman, children and their specialist support workers, the PBS should be asking for evidence of any physical, psychological, emotional or financial impact on the victim and the victim's family before and after the offences. The impact of the original offence can have both immediate and long-lasting, pernicious consequences for victims and their children, particularly evident in cases involving domestic abuse and/or rape and sexual assault and stalking, so both matters must be considered by the PBS. Closer scrutiny of the long-term impact of coercive controlling behaviours will be vital in determining whether or not release on parole licence is appropriate and where this is so determined, that the best use of appropriate licence conditions is made.

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?

Yes/No /Other/Not sure / No opinion

YES- this will be positive in demonstrating ongoing monitoring of perpetrators in the community. It is therefore crucial that victim input, including from support organisations where the victim consents to this being provided, is actively sought and included, and that this is done supportively and safely.

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? [select all that apply]

**Vary the detail of existing licence conditions/Impose new conditions/
Recall the person back to custody/Other/Not sure / No opinion**

SWA response- Vary the detail of existing licence conditions, impose new conditions, and Recall the person back to custody

Progress meetings will be ideally placed to gather information from multiple sources, including the victim and support organisations, on the behaviour of the abuser post release.

Prior to a progress meeting, at which the offender's attendance must be mandatory, the PBS should consider representations from women, which could result in the PBS adjusting the licence conditions accordingly to strengthen them, or recalling the perpetrator, based on evidence of risk posed.

It would also allow women and children to feed back to social work, the police and the PBS any concerns about the perpetrator's behaviour, whether the conditions in place were both adequate and appropriate and any gaps requiring immediate attention.

The PBS must have the powers to use that information to carry out the actions above, including recall, without delay. This would also assist social work in their supervisory role and allow early identification of difficulties or behaviour likely to become a risk.

If any immediate threat to a victim's safety is identified, such as in cases of domestic abuse, the police must intervene immediately, support given to the victim and the perpetrator recalled as a priority,

Any approach by the offender, particularly perpetrators of domestic abuse, to have the existing conditions varied or removed entirely cannot be done until extensive investigation has been carried out, with intelligence from the police and victim input, given the opportunity this presents for abusers to gain access to women and children and endanger them. The fact that the victim may be coerced into supporting any change should be central to any consideration, with steps taken to ascertain this and support the victim, including involvement of police and facilitating the victim's access to specialist support organisations.

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?
One year (replicating New Zealand model)/ Less than one year/ A set time period longer than one year/The full length of a person's parole/Other/Don't know / No opinion

SWA response- The full length of a person's parole

If this system is to protect victims, primarily, and the public, this process must stay in place for the whole length of the parole period. Without it, the offender could manipulate the process by artificially being seen to comply for any shorter set period and then continuing to abuse after this targeted scrutiny, with its powers of immediate recall, was halted.

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?
-No more than every 3 months (replicating New Zealand model).
-No more than every 6 months.
-No more than annually.
-Only when a specific reason arises.
-As frequently as the Board sees fit (i.e. no limit).
-Other
-Not sure / No opinion

OTHER- “As frequently as the Board sees fit (i.e. no limit)” runs the risk of a perpetrator of domestic abuse perhaps only being subject to a progress hearing once a year. The frequency should depend on the offence and risk assessment so for GBV- related offending, close monitoring of the perpetrator is obligatory, with the option to be flexible and increase the frequency.

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

YES

The PBS and contributing parties must have a thorough, robust, and gendered understanding of causes, effects and dynamics of domestic abuse, through training delivered by SWA in our capacity as the lead organisation in Scotland working to end domestic abuse; PBS in particular must be able to demonstrate competencies around understanding of domestic abuse-related offending as a central component

of their skill set. Additionally, victims should be represented through inclusion of support organisations, particularly those with expertise on GBV.

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?

We would refer to our answer to Question 22 above and add that representatives of police or those with a police background should be included. This mirrors a new requirement that the England and Wales Parole Board must include amongst its members those with a law enforcement background and a new power to allow the Secretary of State to direct the composition of panels to require members with particular experience in certain cases.¹⁶

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?

The factors should consider the risk posed by particular types of offending, such as GBV and the particular risks posed to specific victims, including former victims, as a consequence.

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?

- A formal appeal or review process should be introduced for both the person in prison and the victims/survivors of the crime.
- A formal appeal or review process should be introduced but only for the person in prison.
- A formal appeal or review process should be introduced but only for victims/survivors of the crime.
- The current system is sufficient.
- Other /-Not sure / No opinion

A formal appeal or review process should be introduced but only for victims/survivors of the crime.

Given that the central core of parole release decisions revolves around risk assessment, we cannot envisage a situation where a perpetrator of domestic abuse could validly and appropriately challenge a refusal to release and the ground for their doing this, even noting the provisions of s.10 of the Bail and Release from Custody (Scotland) Act 2023.

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

Yes/No – the current approach works well/Other/Not sure / No opinion

YES- The PBS should actively engage with women and children, and their specialist support workers, to allow them to set out their views and concerns around conditions generally, such as whether they are adequate or additional conditions are needed, to

¹⁶ <https://commonslibrary.parliament.uk/research-briefings/cbp-8656/>

discuss specific issues around exclusion zones and support the PBS's assessment of overall risk.

Similarly, the PBS must ensure that communication between them and victims on the matter of release and licence conditions is clear, with relevant information including release dates clearly stated.

In terms of the conditions set out in Annex C to the consultation, we would comment in particular on “**Geographic exclusion-14. You shall not enter the area(s) of AREA as defined by your supervising officer, without the prior approval of that officer;**

- Keeping the offender away from the victim is an important condition, and how this is defined is important.
- Wording such as that used in police undertakings, bail orders, interdicts and non-harassment orders, particularly those held by the victim, should be considered.
- Exclusions should also cover other areas such as a woman's workplace, family members, schools, nurseries, colleges, etc.
- A further issue with a geographical exclusion is that a perpetrator of domestic abuse may not actually know the address or general location of the victim, where this has been restricted for her safety. Any licence conditions on this matter as above, should be carefully considered with the explicit input of the victim so that the perpetrator cannot “jigsaw identify” her location.

The Scottish Government's previous consultation paper “*Transforming Parole in Scotland*”¹⁷ listed on page 8 “*nine commonly used licence conditions*”, and we suggested that the PBS ask victims whether these were actually useful in protecting them, since none had a clear victims' focus.

In terms of licence conditions, in our response to that consultation, we proposed that a presumption be introduced on the imposition of conditions to protect victims. This would be to the effect that the PBS will put in place specific conditions to protect victims of domestic abuse, rape and sexual assault and other offences where individuals, as opposed to communities, were specifically targeted, unless it can be otherwise shown, that these conditions are not needed to protect victims.

We also commented on the fact that in certain circumstances, the PBS might be asked by Scottish Ministers, following a request from a supervising officer, to change the licence conditions once the prisoner is on licence in the community; this could include transfer of supervision, the termination of the supervision element, the addition of a condition or the removal of a condition. In this process, the offender would be provided time to make representations and the request would be considered at a casework meeting.

Our concern is that the victim is invisible in this process: there is no clear guidance as to why a supervising officer should seek termination of the supervision element or removal of a condition, particularly where these were in place to protect victims. There is no indication that victims' representations would be sought on the impact of these changes, particularly removal of protective conditions and that these would

¹⁷ <https://www.gov.scot/publications/consultation-transforming-parole-scotland/documents/>

also be considered at a casework meeting. It appeared that the victim was not even advised in advance that a change in the licence conditions is being proposed or whether any resultant change was ever communicated to the victim, if at all.

It is not clear that these concerns have been addressed and so this loophole must be closed and practice reformed in line with other trauma-based practices.

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?

Yes/No/Other/Not sure / No opinion

Not sure

It is important that the victim understands the conditions so opportunities for discussion and explanation via the PBS, is needed. The victim may also wish to discuss this with a worker from a support organisation.

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

Yes/No/Other/Not sure / No opinion

Not sure

We are unsure how this is the licence conditions are working to “*maximise successful rehabilitation and reintegration*” of perpetrators of domestic abuse. See our answer to Question 29.

Conditions that require offenders to undertake a rehabilitation course, such as parenting classes and anger management, should not, under any circumstances, be considered appropriate for perpetrators of domestic abuse.

Police Scotland must be actively engaged in the process of managing parole licensees in the community and to support this, guidance should be produced, subject to stakeholder consultation and engagement with victims and stakeholder organisations.

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

We reiterate that the Scottish Government’s human rights obligations related to GBV and abuse, including domestic abuse, are to protect victims from harm that the government knows or *should know about*. Harm to a victim from an abuser released following an inadequate risk assessment is likely to constitute a human rights violation. While we can see merit in the proposal that those imprisoned for non-domestic abuse-related offending and *who do not pose a risk* could be released earlier, subject to monitoring, we have serious concerns that this would not work effectively in practice for domestic abuse offenders.

Domestic abuse abusers serving custodial sentences of four years or more will have perpetrated profound and long-lasting physical and mental damage on women and children. Procedures around reintegration and desistance for perpetrators of domestic abuse and crimes of GBV and domestic abuse do not operate in the same way as for those offenders serving custodial sentences for different crimes.

Firstly, GBV and abuse against women and children is not a direct consequence of the factors most commonly cited as the drivers for “mainstream offending”. i.e. multiple social disadvantages, addiction, poverty, ACEs, stress, etc. GBV and domestic abuse is both a cause and consequence of men's privileged access to power. Effective responses require gender-competent assessments of risk to women and children in that context and the failure to recognise and appropriately respond to such violence and abuse allows abusive men act with impunity. Approaches to addressing offending relating to GBV and domestic abuse and minimising/removing the risk that perpetrators pose to women and children are quite different, by necessity, from those employed when dealing with other crimes.

Since the causes, drivers and effects are quite different from other criminal activity, attempts at preventing further perpetration of abuse are not about allowing perpetrators to “integrate” into communities. The issue is appropriately protecting their victims. This means by either preventing early release in the first instance or, when an abuser is released, imposing strict and robust meaningful licence conditions that are rigorously enforced. Any post-release programmes must be similarly appropriate, non-complicit, gender-informed; must challenge behaviours and attitudes that perpetuate women's inequality and violence against women and, following the Caledonian model, must include a Women's Service and Children's Service to support the women, and children.

Any post- release “support” must be safely appropriately designed and delivered to perpetrators of domestic abuse. This support process must also address the needs of victims that will arise on the release of offenders. Information sharing with women on all aspects of the criminal justice system, including release, is important, as are links with police, Criminal Justice Social Work and support organisations such as local Women's Aid specialist support services.

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)?

-I think that the current options are adequate.

-I think that more options for responding to the request should be available to the Board.

-I think one or more of the current options should be removed.

-Other

-Not sure / No opinion

SWA response -More options for responding to the request should be available to the Board

Firstly, the whole recall process is lengthy, involving multiple agencies and public bodies. Existing legislation refers to an increased risk to public safety, not a risk to a specific victim, which is a glaring and dangerous omission. In cases involving GBV, particularly domestic abuse, where there are breaches of conditions that pose a risk to the safety of a victim and her children, or ex-partners of the abuser, the social worker must act immediately to inform the police and contact the PBS, who then take action to recall equally quickly.

There is a further issue that the non-statutory test then applied by the PBS to decide whether to recall the offender or whether they remain in custody, is that “*The panel*

must be satisfied that such risk as (X) poses can be managed safely in the community", so this further deliberation, could take place after a perpetrator has breached a condition protecting women and children, and while the perpetrator is still in the community.

Again, there is no consideration of the safety of the victim and whether they, as opposed to the PBS or any other party, consider that the perpetrator "*can be managed safely in the community*" or not; how the fact that the PBS is considering recall is communicated to them and how the victim's views and concerns around the breach are sought. This must be reformed so that the PBS can move to recall the abuser immediately and then obtain and consider the input from victims once the offender is in custody and before any consideration of re-release,

On the matter of re-release, it is further noted from the consultation paper that one of the options open to the PBS is to "*...recall the individual to custody, where a re-release consideration would be scheduled to be held in the following weeks...*" We cannot envisage a scenario where it would be appropriate or safe to release a perpetrator who has continued to abuse, however this has been done and to what extent. The other options are to issue a formal warning letter to the offender, which would be of no protective use to women and children, or to take no action, which would be reprehensible and negligent in the case of domestic abuse and other GBV. It is not appropriate that the PBS should be able to take no action when a prisoner released on licence breaks a condition.

We also note that "*As an alternative to this standard process, **in cases where there appears to be an immediate need to protect the public**, the Scottish Ministers may recall an individual to custody, and revoke the licence, without referring the case to the Board. This may only be done where it appears to the Scottish Ministers to be **expedient in the public interest**, and it is not practicable (for example because of the **need to protect the public from an immediate risk**) to await the Board's recommendation.*" (our emphasis) It is not clear how long this process takes, how quickly Ministers can and will act, and again, it is concerning that this expedited procedure can only be used in response to a need to protect the public interest, and not to protect a particular victim or victims from immediate risk. This process needs revised so that Ministers can act without delay to protect specific victims, including current and previous victims, who are at immediate risk.

The consultation paper refers to "*avoidable recalls*". Recall should be based on the offending type, risk posed by the offender and the nature of the behaviour that necessitates recall. Perpetrators will take deliberate, planned and determined steps to continue the abuse, threaten and harass victims. The default position in cases of GBV, especially domestic abuse, where a condition intended to protect the victim is breached is should be that they are recalled immediately and not considered for re-release until their next qualifying period is reached.

The police should be involved in situations where licences have been breached and if there is any question of a risk to the safety of a third party, particularly a victim, the police should be able to detain while information is immediately sent to the PBS.

Given that, for perpetrators of domestic abuse, their breach of licence will have most likely involved behaviour targeted toward their current or ex-partner, then the victim will also most likely be aware of the breach. Women must be immediately advised of

the perpetrator's recall, the licence revocation and then asked to make representations to the PBS about any re-release, particularly where the breach involved abuse targeted at them and their children. If they are not informed, they will be unable to meaningfully comment.

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?

See our answers above.

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?

Yes – this would be a welcome approach and provide alternative, individualised options.

Yes – this would be a welcome approach, but this should be a progress hearing only, and not an opportunity to make a decision on recall.

No – the current options available to the Parole Board are satisfactory.

Other

Not sure / No opinion

No-

This could place another barrier to the recall of an abuser in cases of GBV, particularly where licence conditions have been broken by a perpetrator of domestic abuse contacting, approaching, harassing or threatening women and children. In such cases, the abuser must be located, their licence immediately revoked and their return to custody facilitated immediately, so a progress hearing could interfere with the immediate recall process where such action needs to be taken.

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

See our comments above. Recall decisions should be based on the nature of the breach; the impact of the breach on the victim, children and wider family, especially in cases of GBV and the risk to the victim if the abuser were to be re-released

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

It is important for the control of dangerous individuals that the Supervising Officer be able to revoke the licence on a temporary basis in order that the perpetrator can be sent back to prison and brought quickly back before the PBS.

In order to protect vulnerable women and children from abuse by perpetrators released on licence, police must be able to immediately respond to such breaches through the arrest and detention of these perpetrators for onward transmission back to prison without delay. Both police and Supervising Officer should be jointly tasked with responding together: the police for the arrest of the perpetrator without warrant and the Supervising Officer to temporarily revoke the licence and recall them to custody for consideration by PBS.

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

- Yes, the current system works well ensuring that recalled individuals are subject to a further hearing where all information is made available.
- No, the decision to recommend recall to custody has been made and rerelease hearings may be unnecessary in some cases.
- The nature of the re-release hearing could be a different format (please explain below).
- Other
- Not sure / No opinion
- Please explain your answer

SWA response

No- the decision to recommend recall to custody has been made and rerelease hearings may be unnecessary in some cases.

See our comments in Questions 30 to 34 above.

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

Yes, within two weeks of being recalled to custody.

Yes within four weeks of being recalled to custody.

No, it should be held whenever possible but without any set timescales.

Other

Not sure /No opinion

SWA response- Not sure /No opinion

See our comments in Questions 30 to 35 above.

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

Victims should be advised well in advance of the hearing that this is happening, to allow adequate time for their input to be sought and views obtained on potential re-release of an abuser. This must include their comments on the nature of the breach or breaches, (for instance, contacting, approaching, harassing or threatening women and children, use of third parties, stalking, efforts made by the abuser to locate a victim when they have changed address) , the circumstances in which the breach occurred and the immediate and longer term impact on the victim and any children's wellbeing and safety, of which must feature centrally on PBS decision-making. The PBS should also support the victim to engage with a specialist support organisation, such as Women's Aid services, in this matter.

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?

No answer

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

No answer

Question 40. Under current practice, when someone serving a fixed term or extended sentence of 4 years or more is denied parole, they will be reconsidered for parole within 12 months Which of the following best represents your view on this timescale?
 12 months seems appropriate; there is no need for change.
 12 months is too frequent, the length between parole hearings should be extended.
 12 months is not frequent enough, the length between parole hearings should be shortened.
 The timeframe should be flexible, and set based on the individual case, with no maximum time between opportunities to be considered for parole.
 Other
 Not sure / No opinion

SWA response-12 months seems appropriate; there is no need for change.

Question 41. When someone serving a life sentence or Order for Lifelong Restriction is denied parole, they will be reconsidered for parole within 24 months. This is a statutory requirement. Which of the following best represents your view on this timescale?
 24 months seems appropriate; there is no need for change.
 24 months is too frequent, the length between parole hearings should be extended.
 24 months is not frequent enough, the length between parole hearings should be shortened.
 The timeframe should be flexible and set based on the individual case.
 Other

SWA response -24 months is too frequent, the length between parole hearings should be extended.

Life sentences or OLRs are serious sentences given for severe offending so for that reason, and for the security and safety of victims and their families, they should not have to engage with this process every two years.

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?

See our responses to Questions 30 – 37. This would depend on why parole was denied in the first instance, the nature of the offence, risk factors identified including those from victim oral and written representations and the offender's breach history.

Question 43. What category best describes your situation – 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 served time in prison, but have not served time on parole

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