

Families Outside - Support & Information Helpline

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13. Parole

What is Parole?

Parole is a system that allows prisoners to be released into the community on licence, under the supervision of a community-based social worker.

Prisoners can be released on parole if the Parole Board decides that they no longer present a risk to public safety and can serve the remainder of their sentence in the community, subject to licence conditions.

Is Parole granted automatically?

Parole is not granted automatically. It is considered on the basis of reports provided to the Parole Board from a variety of professionals including prison personnel, psychologists, offender managers and social workers, for example. These reports cover the nature of the offence, home circumstances, release plans, behaviour in prison and progress made in prison.

The prisoner will also have the chance to provide written representations and can comment on the information in the reports provided.

When can someone apply for Parole?

A prisoner does not apply for parole - the parole process will normally start six months before the prisoner's parole qualifying date (half-way point of the sentence). A life sentence prisoner will be considered for release on life licence on the expiry of the punishment part imposed by the court at the time of sentence.

On what does the Parole Board base its decision?

The Parole Board has access to a dossier of reports from a variety of sources. These include details of the original offence, behaviour in prison and actions taken to address offending behaviours, previous offences, family and social background and plans for release into the community.

Parole is not a reward for good behaviour in prison, but poor behaviour and breach of prison rules could have a negative impact.

Does the prisoner get to see the reports provided to the Parole Board?

The prisoner will normally see all of the reports provided to the Parole Board. If a report is withheld then the prisoner will be told that this has been done and will, as far as is practicable, be advised of the substance of the information that is not being disclosed.

What about victims?

Under certain circumstances, victims can register with the Victim Notification Scheme.

Registration will provide certain victims with information about the release of the prisoner. They would also be informed if the prisoner is being considered for parole. Victims can provide written comments/representations about this to the Parole Board for Scotland. This allows them an opportunity to explain the effect that the crime has had and the impact release may have on them.

What can I do to support my relative?

Families are encouraged to contribute to the Integrated Case Management (ICM) process during the prisoner's sentence and our [Factsheet 12](#) explains this process in greater detail.

You can also speak to the ICM Coordinator at the prison or you can call the Families Outside Support & Information Helpline on **0800 254 0088** for further information.

Family or friends of the prisoner can also provide written comments for the Parole Board to consider.

If parole is granted, when will someone be released?

This depends on the type of sentence they are serving. In determinate (fixed) and extended sentence cases, if the Parole Board recommends release at the first point of consideration, then release will be on the parole qualifying date (half-way point of the sentence) or a forward date set by the Parole Board.

For life sentence prisoners, the Parole Board will direct immediate release, and Scottish Ministers must normally organise this within 24 hours.

If parole is granted, can it be withdrawn?

Yes. If the prisoner breaks prison rules or fails to co-operate with plans for his/her release before being released on parole, the case will be referred back to the Parole Board for further consideration.

What if parole isn't granted?

If early release is not approved at the first parole review (half-way point of sentence) for a long-term (determinate) or extended sentence prisoner, the case will be considered every 12 months thereafter until the prisoner reaches the two-thirds point of their sentence. This is known as the earliest date of liberation, and at this point the prisoner is released on licence until their sentence expires.

Life sentence prisoners will be reviewed within 2 years on a date specified by the Parole Board.

Can the decision of the Parole Board be appealed?

No. There is no appeal against the decision of the Parole Board. If the prisoner feels that substantial information was not placed before the Parole Board or the case was not dealt with in the appropriate manner, then they can ask a solicitor to apply for a Judicial Review of the case. They should speak with their Hall Manager in the first instance.

What do you mean by 'Licence'?

If a prisoner is released on licence, they are obliged to comply with the licence conditions that have been set and are placed under the supervision of Criminal Justice Social Work – a service provided by local authorities. If the conditions on the licence are breached, they may be recalled to prison at any time.

What does a Licence say?

The licence will require the offender to report promptly to the identified community based social work office, co-operate with their supervising officer, be of good behaviour and keep the peace. They will also be required to inform their supervising officer if they change address, change employment, are questioned by the police or wish to travel outside Great Britain. There may also be additional conditions that are specifically included within the licence for an individual and failure to adhere to the conditions may lead to the prisoner being recalled to custody to serve the remainder of their sentence.

What is a Non-Parole Licence?

If a long-term (determinate) or extended sentence prisoner is refused parole, they will remain in prison until they are released automatically after serving two-thirds of their sentence. They will then be released on a non-parole licence for the final one-third of their sentence. They are still subject to be recalled to prison to serve the remaining time if they breach any of the conditions on their licence.

Legislative Changes

There have been some changes which impact on those serving a sentence of 4 years or more and were sentenced on or after the **1st of February 2016**. Prisoners in this situation will not now automatically be released at the two thirds point. If the Parole Board agree that the prisoner can be released early, the prisoner can still be released halfway through their sentence. However, if the prisoner is not released at this point then they will be released when they have six months left to serve.

Those serving an extended sentence, can still be released halfway through, but only if the Parole Board agree. (An extended sentence is one where the prisoner is supervised once they are released from prison. For example, if they were given a six-year sentence and a two-year extended sentence, you will serve the full six years (unless released early), and then be released on licence for two years.) Further information is also available on the Parole Board website www.scottishparoleboard.gov.uk