

Consultation Response

Voices in Justice: Parole Reform in Scotland

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Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Criminal Law Committee welcomes the opportunity to consider and respond to the Scottish Government consultation: *Voices in Justice – Parole Reform in Scotland*¹. The Committee has the following comments to put forward for consideration.

General Comments

We note that the consultation contains a significant number of questions, some of them with a significant level of detail. Our comments focus on Part 1 of the consultation related to transparency and communication. We believe other organisations are better positioned to comment on the practicalities of the parole process and its impact on victims and communities.

We are aware of the limited numbers of firms undertaking parole work. We consider it important to highlight the main factors we have identified as contributing to these low numbers.

The first factor is remuneration. The level of work required in this area—including very tight deadlines—is not adequately compensated by the remuneration offered under the Legal Aid system through the ABWOR scheme. As a result, many criminal practitioners choose not to engage in this type of work and instead focus on criminal court proceedings. This creates a risk that prisoners may not be properly supported in a process that can have more significant implications than many criminal court cases, given the practical effect of a decision to refuse parole. The system will work best when all parts of it are properly resourced.

Secondly, parole work requires a significant time commitment, including preparation and visits to prisoners. In addition, the hearings do not have fixed times, which is incompatible with practitioners' busy court diaries.

In our view, those issues should be addressed in any future reform of the parole system.

¹ [Scottish Government. *Voices in Justice: Parole Reform in Scotland*.](#)

Section one : Transparency and communication

Question 1. Would you support the introduction of a definition that clearly states the purpose of parole in Scotland?

Yes, we would support the introduction of a definition. In our view, this definition should be clearly stated and workable.

We consider both the [Parole Board for Victoria's \(Australia\) common purpose](#) and the principles set out in [Section 100 of Canada's Conditional Release, Detention and Long-term Supervision Act](#) to be good examples of concrete definitions that effectively address the key principles of the parole system.

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

We consider that the parole system should focus on addressing the risk offenders may pose to the community.

In addition, if the purpose of parole is to be defined, it should reference the need for effective and ongoing supervision and support (e.g. social work, financial, medical, psychological) for the individual from release until the expiry of their sentence.

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?

Not sure. In our view, if interested parties are granted access to the full versions of the Parole Board decision minutes, it is essential that they have a clear understanding of the Parole Board's functions. For instance, in the case of life-sentenced prisoners, there is no automatic right to release after a given period, and any release decision remains subject to recall. We consider that publishing the Parole Board's minutes without this context may lead to confusion among interested parties.

With that said, from an open justice perspective, we see merit in publishing the full version of the Parole Board's decision minutes in certain cases.

This approach could have a positive impact on victims and families that demand appropriate information on how parole decisions are taken. However, we are unsure how this would work in practice.

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 sure. Please refer to our comments in response to question 3.

Question 5. Should the Parole Board publish more detailed information about how their decisions are reached (e.g. guidance, criteria, case studies)?

Yes. We appreciate that the Parole Board is not statutorily required to provide detailed information on its decision-making processes.

However, providing additional information for interested parties would serve to improve public understanding of the Parole Board's role. This would also enhance transparency and could help set clear expectations for all involved.

We refer to our comments in Question 3, paragraph 1, regarding the understanding that interested parties should have of the Parole Board's functions.

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

Victims (or, where a victim has died, specified members of their families)

Legal professionals and researchers

We recognise there is an argument that providing victims the opportunity to attend would improve their experience of the criminal justice system. This aligns with the policy intentions of the [Victims, Witnesses and Justice Reform \(Scotland\) Act 2025](#). However, if victims are allowed to access parole hearings, we consider that they should receive clear information about their participation and the purpose of the parole system, which is addressing the risk that offenders may represent for the community.

Victims should also be informed that their interests may sometimes conflict with the purpose of parole. Ensuring that victims have realistic expectations is crucial.

It is important to note that victims' participation in the parole process carries a risk of retraumatisation. In our view, consideration should be given to other ways in which victims could have appropriate involvement in the process, such as through pre-hearing interviews.

We also see merit in allowing legal professionals and researchers to observe parole hearings. This could help train new practitioners and newly appointed board members.

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

In our view, there is a need for a reliable and transparent process. While we understand that systems are in place to keep victims and their families informed of pending parole hearings and their role, we consider that these systems do not always function effectively.

We appreciate that parole boards may reach decisions that are unpopular with victims and their families. As such, it is critical that the public has confidence in the process underpinning those decisions.

We consider that communities should be involved in rehabilitation processes. This involvement should start with better communication from parole boards. Transparency in the decisions that parole boards take contribute to a better community understanding of the system and support the reintegration of offenders who frequently struggle to reintegrate into their communities.

Finally, we consider that some consideration should be given to the allocation of resources to the parole system. We are aware of the limited availability of rehabilitation programmes.



For further information, please contact:

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