



Parole Commissioners  
for Northern Ireland

ANNUAL REPORT  
2017-2018



**Parole Commissioners For Northern Ireland**

**Annual Report 2017/18**

**Report for the year end 31 March 2018**

Laid before the Northern Ireland Assembly pursuant to Paragraph 7(2) of Schedule 4 to the Criminal Justice (Northern Ireland) Order 2008. Amended by the NI Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

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# Background

The appointment of the Life Sentence Review Commissioners (LSRC) was the result of a review of Northern Ireland prisons legislation conducted by the Government in anticipation of the coming into effect, in October 2000, of the provisions of the Human Rights Act 1998. An important aspect of that work was to review the arrangements then in place for the consideration of the suitability for release of prisoners who had been sentenced to life imprisonment. The review considered the three types of life sentence: mandatory life sentences (for murder), discretionary life sentences (for other serious violent offences) and juvenile offenders sentenced to detention in circumstances that would, for an adult, have merited either a mandatory or a discretionary life sentence.

The review concluded that the existing procedures for discretionary life sentence prisoners and those sentenced to detention at the Secretary of State's pleasure could be deemed inconsistent with the requirements of the European Convention on Human Rights. This was based on advice on the suitability of the prisoner for release being given to the then Secretary of State by the Life Sentence Review Board, a non-statutory body consisting largely of senior officials of the Northern Ireland Office. It was considered that compliance with the European Convention on Human Rights would require that, once the punitive element of the sentence had been completed, each prisoner should have his or her case reviewed periodically by a judicial body. To have judicial character, the body would need to be independent of the executive (and of the parties concerned); impartial; and able to give a legally binding direction regarding the prisoner's release.

In March 2000, the report of the Review of the Criminal Justice System in Northern Ireland endorsed this conclusion and further recommended that an independent body should make decisions on the release of all life sentence prisoners.

The Government accepted this recommendation and brought forward legislation that required all life

sentence prisoners to have the punitive element of their sentence judicially determined and their suitability for release independently assessed and directed at the appropriate time by an independent body of judicial character. The legislation in question was the Life Sentences (Northern Ireland) Order 2001 (2001 Order) and the Life Sentence Review Commissioners' Rules 2001 (2001 Rules). The Order was approved by, and the Rules laid before Parliament in July 2001 and both came into force on 8 October 2001.

The Criminal Justice Act 2003 made a number of significant changes to the sentencing framework for England and Wales. As a result it was felt that Northern Ireland should have its own review. In March 2005 the Northern Ireland Office published a consultation paper on the sentencing framework in Northern Ireland which considered new measures to enhance public protection. The exercise was largely informed by provisions contained in the Criminal Justice Act 2003, particularly the introduction of indeterminate and extended public protection sentences for dangerous sexual and violent offenders.

Ministers concluded that the sentencing framework should be revised and that legislation should be brought forward to provide for the introduction of indeterminate and extended sentences for dangerous sexual and violent offenders allowing individuals posing a risk of serious harm to be detained indefinitely or to the end of their extended sentences.

## **Criminal Justice (Northern Ireland) Order 2008**

The relevant legislative provisions are contained in the Criminal Justice (Northern Ireland) Order 2008 (2008 Order). Among other things it provided that the Life Sentence Review Commissioners be renamed the Parole Commissioners for Northern Ireland and that the responsibilities of the Commissioners be extended to include decisions as to the release and recall of

prisoners sentenced to indeterminate and extended custodial sentences and the recall of prisoners who receive other determinate sentences.

The Parole Commissioners' Rules (Northern Ireland) 2009 (2009 Rules) came into operation on 1 April 2009. These Rules replaced the Life Sentence Review Commissioners' Rules 2001 and apply to both the 2001 Order and the 2008 Order.

## Current Legislation

The work of the Parole Commissioners for Northern Ireland is governed by two 'Orders' and one set of 'Rules' - The Criminal Justice (Northern Ireland) Order 2008<sup>1</sup>, the Life Sentences (Northern Ireland) Order 2001 and the Parole Commissioners' Rules (Northern Ireland) 2009.

The principal provisions of the Life Sentences (Northern Ireland) 2001 Order provide for:

- the setting by the court of a relevant period, or 'tariff', as the period of the sentence to be served to satisfy retribution and deterrence before review for release;
- the power of the Commissioners to direct a prisoner's release on licence if continued detention is not required for the protection of the public;
- the attachment by the Department of Justice of conditions to the release licence, in accordance with recommendations of the Commissioners;
- the revocation by the Department of Justice of the licence of a released prisoner and the latter's recall to prison;
- the consideration by the Commissioners of such recalls and their power to direct the release of recalled prisoners; and

- the arrangements for setting of tariffs for prisoners already serving life sentences.

The principal provisions of the Criminal Justice (Northern Ireland) Order 2008 provide for:

- the appointment of Commissioners;
- the Commissioners to advise the Department of Justice with respect to any matter connected with the release or recall of prisoners referred to them;
- the renaming of the LSRC as the Parole Commissioners for Northern Ireland (PCNI);
- the appointment of Parole Commissioners to include a Chief Commissioner and, if necessary, the appointment of a deputy Chief Commissioner;
- the introduction of public protection sentences for violent and/or sexual offenders based on an assessment of dangerousness;
- the necessity for all public protection sentence prisoners to be referred to the Commissioners to assess suitability for release;
- the imposition of licence conditions on persons who have been sentenced to a public protection sentence or a determinate sentence of 12 months or more;
- the revocation by the Department of Justice of the licence of a released prisoner and recall to prison, if so recommended by Parole Commissioners; and
- the consideration by the Commissioners of such recalls and their power to direct release.

The Rules set out in detail the procedures that apply to life and public protection sentenced prisoners where the Department of Justice (or Secretary of State in matters of national security) refers a prisoner's case to the Commissioners regarding his release or recall. Currently there are no Rules governing the recall and re-release of determinate custodial sentenced (DCS)

<sup>1</sup> The NI Act 1998 (Devolution of Policing and Justice Functions) Order 2010, provides for the continuing role of the Secretary of State in cases where national security is involved.

prisoners, however, as far as is practicable, the Rules will be applied. They provide, in particular, for:

- the exercise by the deputy Chief Commissioner of such powers and functions as may be delegated by the Chief Commissioner and for a deputy Chief Commissioner to act on the Chief Commissioner's behalf if he/she is unavailable;
- the appointment by the Chief Commissioner of a single Commissioner to consider a case initially and provide a provisional direction/direction on release;
- the appointment by the Chief Commissioner of a panel of three Commissioners to consider those cases where release has been directed or, in the case where a prisoner is not to be released, the prisoner has requested an oral hearing of his case (wherever practical, one panel member should be legally qualified and another a psychiatrist or psychologist);
- the representation of the prisoner and the Department of Justice;
- the appointment by the Commissioners of a representative to act on behalf of the prisoner or for a single Commissioner to carry out an interview, with the prisoner's consent where he/she does not appoint one him/herself;
- the submission of information and reports by the Department of Justice and of representations and documentary evidence by the prisoner;
- the making of directions and the holding of oral hearings to consider the prisoner's case and the procedure for such hearings (including the granting/refusal of the attendance of witnesses and observers);
- the time limits within which notifications and responses must be made;
- the distribution of directions by the single Commissioner and/or panel chairman and the consideration of appeals against such directions by the Chief Commissioner; and
- the withholding, in specified circumstances, of particular items of evidence from the prisoner, or the prisoner and his representative and in the latter event, the appointment by the Attorney General of a Special Advocate to represent the prisoner's interests.

# Introduction

I began last year's report with the statement that the year had been a settled one in terms of workload and this year has again been stable in that regard. I also mentioned concerns about meeting our information requirements. Sadly, those concerns remain and I will return to them later.

## Workload and Key Statistics

This year new referrals have seen an increase of 3% or 20 referrals. This has been due to increases in recalls and recall reviews across the various sentence types and a significant increase in cases being referred for pre-tariff review.

169 cases were completed at the single Commissioner stage, a substantial increase of 16.5% against the 2016/17 figures.

In DCS recall reviews<sup>2</sup> 66% of the cases completed in year were completed at the single Commissioner stage. 31 DCS cases were referred to panel (19% increase) whilst a further 38 requests (40% decrease) for an oral hearing were received. Commissioners considered that in 19 of the cases referred to panel there was insufficient information in regard to risk issues, ability to comply with supervision and progression in rehabilitative measures which would enable them to make a decision. In over half of those cases, the Commissioners deemed it necessary to test the prisoner in oral hearing. In 11 cases there were disputes of fact that the Commissioners believed could not be resolved on paper and therefore required further oral, if not written, evidence.

The overall number of cases referred to panel amounted to 72, a 7% increase on the previous year. In 41 cases (excluding DCS recall reviews discussed above), the matter was referred to panel for similar reasons with 18 of those cases requiring oral evidence from a professional witness.

For the fourth year in a row the overall case completion figure has increased showing an upturn on output of almost 3%, or 17 cases.

Commissioners completed 234 panel hearings, a significant decrease of 14% (38 cases) on the previous year. A larger number of cases have been carried forward in to the new financial year at panel stage than previously with 56 hearings listed for April and May.

There has been a significant increase in the number of recalls requested. Recall requests relating to life sentenced prisoners have doubled whilst there have been smaller increases of 7% in DCS prisoners and 18% in ECS prisoners. Only on 2 occasions recall was not recommended. However on 11 occasions the recommendation to recall was not accepted by the Department of Justice/Secretary of State and the prisoner was not recalled.

There has also been an increase in the release of prisoners with 3 more prisoners being released against last year's figure.

Overall 858 provisional directions/directions, single Commissioner decisions, panel decisions, pre-tariff recommendations, licence consultations/variation/cancellation recommendations and recall recommendations have been issued in year. This is marginally down on last year by 3%.

## Protected Information Cases

By their very nature, these types of cases are complex and fall outside the normal timetables set out in the Parole Commissioners' Rules 2009. The timetable can become unavoidably protracted. Once the Commissioners have been advised of the existence of such material and a gist has been provided, the single Commissioner will refer the matter to a panel as soon as is practicable in order to have the process of the appointment of a Special Advocate advanced and a timetable set. The panel must carefully consider all the information put to them and hear any arguments in

<sup>2</sup> This includes those cases dealt with under Articles 28(4) and 29(6)

regard to disclosure. This necessitates a procedure of direction hearings, exculpatory reviews and open and closed hearings before a decision can be made.

This year Commissioners have completed two protected information cases and are currently considering a further two. The information is ordinarily, but not always, concerned with national security issues. In these circumstances the Commissioners are required to review the gist of the information certified by the Secretary of State and consider whether there is sufficient specificity to allow the prisoner to make representations. The Special Advocate will act in the interests of the prisoner in regard to the protected information. He/she may only directly correspond with the prisoner before he/she views the information and thereafter, only with the permission of the panel.

The panel will make their decision based on the statutory test of whether the prisoner poses a risk of harm/serious harm and consider whether that risk can be safely managed in the community.

# Key Statistics

New Referrals			
Article	2015/16	2016/17	2017/18
6	46	52	47
7(2)	0	0	1
8(3)	8	4	9
9(1)	2	4	8
9(4)	3	3	7
18	110	110	92
20	0	0	1
24(5)	32	37	38
28(2)(a) ECS/ICS	36	28	34
28(2)(a) DCS	160	169	180
28(4) ECS/ICS	39	25	27
28(4) DCS	153	156	166
29(6)	42	47	37
46(3)	10	7	15
<b>Total</b>	<b>641</b>	<b>642</b>	<b>662</b>

Cases Withdrawn/no jurisdiction			
Article	2015/16	2016/17	2017/18
6	0	1	0
7(2)	0	0	0
8(3)	0	0	0
9(1)	0	0	0
9(4)	0	0	0
18	0	3	1
20	0	0	0
24(5)	0	3	2
28(2)(a) ECS/ICS	0	0	0
28(2)(a) DCS	1	0	2
28(4) ECS/ICS	0	1	0
28(4) DCS	0	2	0
29(6)	2	1	2
46(3)	0	0	0
<b>Total</b>	<b>3</b>	<b>11</b>	<b>7</b>

## Cases Completed

Article	2015/16	2016/17	2017/18	C/F
6	44	51	49	32
7(2)	0	0	1	0
8(3)	8	4	9	0
9(1)	2	4	8	0
9(4)	4	3	3	6
18	93	101	100	62
20	0	0	1	0
24(5)	33	34	39	0
28(2)(a) ECS/ICS	36	28	33	1
28(2)(a) DCS	160	168	181	0
28(4) ECS/ICS	37	30	29	6
28(4) DCS	129	162	155	61
29(6)	36	44	38	13
46(3)	8	12	12	4
<b>Total</b>	<b>590</b>	<b>641</b>	<b>658</b>	<b>185</b>

## Cases completed at single Commissioner

Article	2015/16	2016/17	2017/18
6	9	12	11
9(4)	0	0	0
18	19	14	21
28(4) ECS/ICS	6	3	10
28(4) DCS	85	91	103
29(6)	22	25	24
<b>Total</b>	<b>141</b>	<b>145</b>	<b>169</b>

Cases referred to panel			
Article	2015/16	2016/17	2017/18
6	9	7	10
9(4)	1	2	1
18	18	26	26
28(4) ECS/ICS	7	6	4
28(4) DCS	8	18	21
29(6)	4	8	10
<b>Total</b>	<b>47</b>	<b>67</b>	<b>72</b>

Oral Hearing Requests							
	2015/16		2016/17		2017/18		C/F
Article	Refused	Granted	Refused	Granted	Refused	Granted	
28(4) DCS	2	38	0**	52	0***	32	0
29(6)	0	9*	1	10	0	6	0
<b>Total</b>	<b>2</b>	<b>47</b>	<b>1</b>	<b>62</b>	<b>0</b>	<b>38</b>	<b>0</b>

\* Revision to previous year's figure

\*\*2 requests were refused and subsequently granted by way of appeal to the Chief Commissioner

\*\*\* 1 request refused and subsequently granted by way of appeal to the Chief Commissioner

Panel Hearings Held			
Article	2015/16	2016/17	2017/18
6	42	53	43
9(4)	9	2	2
18	79	94	90
28(4) ECS/ICS	39	27	22
28(4) DCS	52	76	62
29(6)	14	20	15
<b>Total</b>	<b>235</b>	<b>272</b>	<b>234</b>

### Release decisions

Article	2015/16	2016/17	2017/18
6	11	14	12
9(4)	0	1	1
18	17	19	24
28(4) ECS/ICS	12	10	8
28(4) DCS	18	47	45
29(6)	15	14	18
<b>Total</b>	<b>73</b>	<b>105</b>	<b>108</b>

### No recommendations for further review

Article	2015/16	2016/17	2017/18
6	0	0	0
9(4)	0	0	0
18	16	22	18
28(4) ECS/ICS	9	1	8
28(4) DCS	79	79	69
29(6)	13	17	13
<b>Total</b>	<b>117</b>	<b>119</b>	<b>108</b>

### Recalls

Article	2015/16		2016/17		2017/18		C/F
	Recall	Not recalled	Recall	Not recalled	Recall	Not recalled	
9(1)	2	0	4	0	8	0	0
28(2)(a) ECS/ICS	34	2	27	1	32	1	1
28(2)(a) DCS	153	6	163	5	178	1	0
<b>Total</b>	<b>189</b>	<b>8</b>	<b>194</b>	<b>6</b>	<b>218</b>	<b>2</b>	<b>1</b>

<b>Licence Conditions - Recommendations</b>				
<b>Article</b>		<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
8(3)	Condition(s) cancelled	6	3	6
	Condition(s) not cancelled	0	0	1
	Condition(s) varied	2	0	2
	Condition(s) not varied	0	1	0
24(5)	Consultation - agreed	18	15	10
	Consultation - not agreed	0	0	1
	Consultation - partially agreed	0	0	2
	Condition(s) varied - agreed	11	18	5
	Condition(s) varied - not agreed	0	0	1
	Condition(s) inserted - agreed	4	1	10
	Condition(s) inserted - partially agreed	0	0	1
	Condition(s) cancelled - agreed	0	0	3
	Variation and insertion agreed	0	0	3
	Variation and cancellation agreed	0	0	1
<b>Total</b>		<b>41</b>	<b>38</b>	<b>46</b>

## Quality Issues

I considered merely repeating my comments from my last two annual reports without more here as the position is largely unaltered; however there are a number of important areas that I feel I must address.

The position in respect of ensuring Commissioners' panel hearings are attended by witnesses and representatives from the Department of Justice is, as I say, regrettably unchanged from my last two reports. In recall hearings, usually involving less serious offending, Commissioners often have the benefit of Departmental representation, usually from an experienced DoJ official familiar with the case. We also have the added benefit in most cases of hearing evidence from the Probation Officer, often over a video-link. This means that Commissioners are able to conduct hearings that are fair, where we feel well informed about risk and able to make decisions based on evidence. This enables us to fulfil our statutory functions. These hearings contrast with the majority of cases involving lifer and public protection sentences (Indeterminate and Extended Custodial Sentences) where it has unfortunately become the norm for Commissioners to preside over proceedings with no representative or witness from the Department of Justice or NIPS in attendance.

However, there have been significant legal developments here in the shape of two decisions of the High Court regarding the Commissioners' powers to direct the attendance of witnesses. These are summarised in greater detail below in the section of my report about judicial reviews. In brief therefore, in the case of CK [2017] NIQB34, the court found that the Commissioners had power in certain exceptional circumstances to direct a witness to attend a panel hearing. In a subsequent case (Toal), the court held that this power was not limited to exceptional cases and could be more generally applied. Commissioners have appealed this decision, Toal [2017] NIQB124 to the Court of Appeal as we need to have clarity on the extent of our powers and having two arguably conflicting

judgements here is unhelpful. In the interim, we have moved to a more robust approach to the directions process in terms of witness attendance and now make it clear that we reserve the right to stay proceedings under Rule 11 of the Parole Commissioners' Rules if a witness directed to attend by us fails to do so. This is a far from satisfactory situation and it is hoped that, subsequent to and notwithstanding the imminent judgment from the Court of Appeal, the appropriate level of respect will be afforded to directions of Parole Commissioners.

Another matter causing concern is healthcare within the prison system, in the context of the provision of detailed reports to hearing panels. There appears to be a lack of cohesion between NIPS and the Health Trust which has meant on occasion Commissioners have not received the essential information needed to make a balanced and fair assessment of risk or they have faced long delays before obtaining the information despite issuing directions for their production. Prisoners with mental health issues are often the most complex, vulnerable individuals who come under the consideration of Parole Commissioners and they can pose very serious risks to public safety. It is therefore imperative that health care information is provided in a timely manner. The Commissioners' position on this was robustly endorsed in a decision of the High Court in December 2017 where the directions of the Parole Commissioners are equated to an order of the court.

I have continued to voice my concerns to the Head of the Prison Service and senior officials within South Eastern Trust, emphasising the importance of collaborative relationships in this critical area. It is essential that the roles and responsibilities that we each have are clearly understood and mutually respected. I have been heartened by the very positive response from NIPS in this matter and have accepted an invitation by them to participate in round table discussions alongside other stakeholders within the criminal justice family to review the current standards and protocols. The Terms of

Reference for this new review are under consideration. Again, I will carefully monitor the progress made and reflect upon it in my next Annual Report.

Another change this year is the new procedure introduced by the Probation Board for Northern Ireland (PBNI), amending their policy on assessment of significant risk of serious harm. Such policy matters are of course entirely for PBNI. I would highlight that the new policy has resulted in fewer prisoners being deemed a significant risk of serious harm. However, that is the test to be applied at the sentencing stage as opposed to the statutory obligation upon Parole Commissioners in Northern Ireland to conduct an assessment of risk of serious harm simpliciter. There appears to be some confusion about what Commissioners need in order to do this effectively. Appropriate and timely consultation with Parole Commissioners may have reduced the level of confusion and thus mitigated against the risk of legal challenge; however the issue has now been raised in the High Court in a judicial review application. I appreciate that PBNI are working with us now to clarify the policy change so that we are fully aware of the rationale. The change has had an impact on our work and I very much hope that the current level of uncertainty can be resolved speedily to the benefit of everyone involved in the process.

## Parole Commissioners' Rules

Limited progress only has been made on the review. It is pleasing that Mr Justice Burgess, former Parole Commissioner, has been appointed to co-ordinate the review on behalf of the Department of Justice. He has held a number of meetings with stakeholders over the course of the year. The Rules review will of course need now to take into account the issues about the power of Commissioners to call witnesses, the role of victims in the proceedings and also the controversial Rule 22 – the confidentiality rule – which will need to be properly considered following the case in the English High Court regarding the London cab driver,

John Worboys, where it was held that a similar rule in respect of the Parole Board for England and Wales was unlawful.

## Stakeholder Engagement

I have continued to hold productive meetings with senior officials from the Northern Ireland Prison Service, the Probation Board for Northern Ireland and the Department of Justice as well as our sponsors, the Courts and Tribunals Service.

In October 2017, I gave a presentation jointly with Geraldine O'Hare, the Head of Psychology for the Probation Board at the annual conference of the International Corrections and Prisons Association (ICPA) in London. The conference was attended by more than 800 delegates from over 70 countries. Geraldine and I spoke about the criminal justice system in Northern Ireland and developments here since devolution. I continue to be a member of the ICPA Training and Development Committee which helps develop and deliver training and best practice across the world.

Together with the Head of Operational Delivery, I gave presentations to the Belfast Solicitors' Association and to a number of recently qualified barristers. It is important to Commissioners that the lawyers representing prisoners remain well informed so as to ensure that we are able to fulfil our statutory function.

## Commissioners

In anticipation of the forthcoming retirements which were due in 2015/16 and 2016/17 the Department of Justice carried out a recruitment competition which appointed five additional Commissioners to the PCNI in May of 2017. Two Commissioners were appointed to the legal cadre and three to the psychiatry/psychology cadre. This helped to ensure that the PCNI would have a sufficient complement of Commissioners to manage the continued demanding caseload.

## Secretariat

On behalf of the Commissioners, I would like to express gratitude and appreciation for all the considerable efforts of our Secretariat staff. There have been a number of changes in personnel over the year but our staff continue to support Commissioners ably and cheerfully.

## Governance

We continue to receive a good service from our sponsors. I would like to express my thanks to Ronnie Armour who as Chief Executive of the Courts and Tribunals Service supported the Commissioners and gave excellent strategic leadership. He is now the Director of Resettlement and Head of the Northern Ireland Prison Service and we continue to liaise on matters of mutual concern. Peter Luney, his replacement as Interim Chief Executive, has ensured a seamless transition in our sponsorship arrangements. During the year, we lost Mark Radcliffe, the Secretary to the Commissioners. Mark's calm and effective management style was appreciated by Commissioners and staff alike and I wish him well in his new role.

The new Secretary to the Board is Gillian McClean. She has made a great start in understanding the work of the Commissioners and I know she will be an excellent replacement.

## Judicial Challenges/Reviews

There has been a substantial rise in challenges this year:

In total 14 pre-action letters were received, ten of which were settled without further recourse to the court.

There have been a variety of reasons proffered as challenges to the decisions made by the Commissioners ranging from very general assertions that the decision is *Wednesbury* unreasonable to the refusal to accede to adjournments. In more recent months we have seen

an increase in pre-action letters on the grounds of the utility of hearsay evidence and the Commissioners' ability to call witnesses of their own volition. These matters have been successful in being granted leave to apply for judicial review and I have discussed the implications for PCNI more fully above.

In total four matters have been considered in the Judicial Review Court and decisions have been handed down<sup>3</sup>. One of these cases has been referred to the Court of Appeal by PCNI and is due to be heard in September. One further matter, we understand, is being brought to the Court of Appeal by the Prisoner.

## Going Forward

The recent High Court decisions will have a considerable impact on how Commissioners do their work. They will also influence the review of the Rules. In the *Worboys* appeal in England and Wales, the judges in the High Court expressed the desirability for panels in such cases to be chaired by a Judge. At present, there are no Judges appointed within the legal cadre of Commissioners although I am hopeful that there will be one such appointment in the year ahead. However, all our panels are chaired by one of our experienced legally qualified Commissioners, many of whom have judicial experience as tribunal judges. I am committed to continuing this practice. In my view, it is essential that a judicial tribunal such as ours is chaired by a lawyer.

I remain grateful to Commissioners and staff for their hard work, support and commitment over the past 12 months. It is a privilege to be part of such an outstanding team.

<sup>3</sup> [2017] NIQB 85; [2017] NIQB 114 & 124; [2018] NIQB 20; [2018] NIQB 29

# Resources

## Financial Summary

For most of the year covered by this report, the Commissioners have been supported and advised by a Secretariat comprising of 16 staff.

The Commissioners' Secretariat are based on the 1st floor Mezzanine in Laganside Court, Oxford Street Belfast

Expenditure incurred by the Department of Justice in providing for the work of the Commissioners in the year ending 31 March 2018 is detailed below:

	2012/13 (£000)	2013/14 (£000)	2014/15 (£000)	2015/16 (£000)	2016/17 (£000)	2017/18 (£000)
Commissioners' Remuneration	689	896	927	836	945	874
Commissioners' Travel, Accommodation and Expenses	37	65	76	74	63	67
Legal Costs	86	105	22	29	50	89
Premises	188	137	187	120	103	104
General Administration	72	111	91	80	84	47
Staff Salaries	431	551	530	499	487	505
<b>Total Expenditure</b>	<b>1,503</b>	<b>1,865</b>	<b>1,833</b>	<b>1,638</b>	<b>1,732</b>	<b>1,686</b>

# APPENDIX A

## Commissioners' Profile

### Chief Commissioner

**Ms Christine Glenn** qualified as a barrister in 1980. She was the Justices' Chief Executive in the Inner London Magistrates' Courts Service until 2001 and Chief Executive of the Parole Board for England and Wales from 2001 until March 2009. She sat as a judge in the First Tier Tribunal, dealing with asylum and immigration cases. She served as a member of the Thames Valley Courts Board from its inception until 2010. She also worked as a consultant on parole and criminal justice, including advising governments and training parole boards in Cyprus, the Cayman Islands, Montserrat, Anguilla, and the British Virgin Islands. She has worked as a Visiting Expert at the United Nations And Far East Institute in Japan and has also presented on parole and its impact on reducing prison overcrowding at the United Nations Congress on Crime in Brazil 2010. She is a member of the Association of Paroling Authorities International Training and Development Committee, representing the international division.

### Commissioners from a Legal Background

**Mrs Anne Fenton MBE** has been a qualified solicitor since 1978. She was Director of the Institute of Professional Legal Studies at Queen's University, Belfast from 1998 to 2013. She is currently a part-time legal member of the Mental Health Review Tribunal and has previously held appointments as part-time Chairperson to both the Child Support and Disability Appeal Tribunals. In January 2014 she was appointed Under-Treasurer of the Inn of Court of Northern Ireland.

**Ms Clodach McGrory** practiced at the Bar in Northern Ireland from 1990 to 1995 and subsequently worked at the Law Centre (NI). She was a member of the Standing Advisory Commission on Human Rights from 1998 to 1999 and served a term of office on the Irish Human Rights Commission from December 2000 until August 2006. She was a member of the Prison

Review Team which was appointed by the Minister of Justice in June 2011 to conduct a comprehensive review of the Northern Ireland Prison Service and reported in October 2012. She is currently a part-time Chairperson of Social Security Appeal Tribunals and has been a Life Sentence Review Commissioner/ Parole Commissioner since 2001. Ms McGrory was appointed Chairperson of the Sentence Review Commissioners on the 21 January 2013.

**Professor John Jackson** is a professor of Law at the University of Nottingham and a qualified barrister. He was previously Dean of the School of Law at University College Dublin and has taught at several other universities including Queen's University Belfast, the University of Sheffield, the City University, London and University College Cardiff. He has held visiting professorships at Hastings College of the Law, University of California and the Faculty of Law, University of New South Wales and was a Fernand Braudel Senior Fellow at the European University Institute in 2007 – 2008. From 1998 to 2000 he was an Independent Assessor for the Northern Ireland Criminal Justice Review and he has been a Sentence Review Commissioner since 2012.

**Mr Paul Mageean** qualified as a solicitor in 1991 and was originally in private practice. In 1995 he joined the Committee on the Administration of Justice as their Legal Officer during which time he successfully brought a number of cases to the European Court of Human Rights. He was Head of the Criminal Justice Secretariat of the Court Service from 2004, and joined the Criminal Justice Inspection Northern Ireland in 2005. He was the Director of the Graduate School for Professional Legal Education at the University of Ulster from 2008 until his appointment in September 2013 as Director of the Institute of Professional Legal Studies at Queen's University Belfast until he left that position in February 2018. He is a Human Rights Commissioner and also serves as a member of the Parole Board in the Republic of Ireland.

**Mr Jeremy Mills** qualified as a solicitor in 1990. He spent 15 years with a firm of corporate solicitors in Belfast and was a partner for 10 years. Between 2007 and 2012 Jeremy served as a part time Legal Chairman of the Northern Ireland Valuation Tribunal. From 2008 to 2012 he was also a member of the Department of Agriculture and Rural Development's Independent Review of Decisions Panel. He joined the Board of Bryson Charitable Group in 2008 as a non-executive Director. In 2009 he was appointed to Transport NI's panel of independent Public Inquiry Inspectors. He is also a non-executive Director of the Odyssey Trust Company.

**Ms Anne Grimes** qualified as a solicitor in 1990. She worked at Law Centre (NI) for 12 years. She was appointed as an Immigration Judge of the First-tier Tribunal in 2002 and also as a Deputy Judge of the Upper Tribunal (Immigration and Asylum Chamber) in 2010. Anne was appointed as a part-time Chairperson of the Social Security Appeal Tribunals in 2017. She is also a Sentence Review Commissioner.

**Mr John F Gibbons** qualified as a solicitor in 1991, and runs his own law firm, which he established in 1995. He was originally appointed a member of the Solicitors Disciplinary Tribunal in 2009 and was reappointed for a third term, in 2015. He was a trustee board member and treasurer of Citizens Advice, Belfast, between 2008 and 2014. In 2010 he was appointed a legal chairman of the Department of Agriculture and Rural Development's Independent Appeals panel and in 2012 he was appointed legal chair to the Pharmaceutical Society for Northern Ireland's Fitness to Practice scrutiny committee. He was sworn in as a Legal Member of the Mental Health Review Tribunal for Northern Ireland, in January 2015.

**Ms Maura Hutchinson** qualified as a solicitor in 1996 and worked for a number of years in a City of London legal practice. She set up and managed a grant-giving programme (Awards for All) in the charity and voluntary sector in Northern Ireland and was a solicitor at Law

Centre (NI) until 2010. Maura has been a Judge of the First Tier Tribunal - Immigration and Asylum Chamber since 2006 and was appointed as a Deputy Judge of the Upper Tribunal, Immigration and Asylum Chamber in 2015. She was appointed as an Adjudicator of the Traffic Penalty Tribunal Northern Ireland in 2006. Maura was appointed as a part-time Chairperson of the Social Security Appeal Tribunals in 2014 and as a part-time legal member of the Mental Health Review Tribunal in 2015. She has also previously acted as a lay member for the Northern Ireland Medical and Dental Training Agency.

**Mrs Marian Killen** was admitted as a solicitor in 1978 and was appointed as Assistant Crown Solicitor in 2007 where she remained until 2017. She was appointed as a Deputy District Judge (civil) in the County Court and a Deputy Master in the High Court in 2009. She is a trained Mediator and Solicitor Advocate. She was appointed as part-time Legal Assessor to the Nurses and Midwifery Council in 2016 and as chair of HCPC Fitness to Practice Committee in 2017.

**Mr James Scholes** qualified as a barrister in 1973. He was appointed Deputy Director of Public Prosecutions in 2008 and served as Acting Director of Public Prosecutions from 2009 to 2011. He was appointed a Civil Service Commissioner in 2012 and he currently serves on the Board of Chest Heart and Stroke.

**Mr Niall Small** qualified as a Solicitor in 1992. He worked in private practice for 10 years before becoming a founding partner in the firm of Small & Marken Solicitors in Antrim. He has been reappointed to the Guardian Ad Litem Solicitor Panel in Northern Ireland and has recently been appointed as a legal chair of the HSCB Disciplinary Committee for Dental, Optometry and Pharmaceutical services. He is a trained mediator and has qualified as a Solicitor Advocate. He has held several positions with a number of voluntary organisations throughout Northern Ireland.

**Mr Timothy Thorne** qualified as a barrister in 1987. He practiced mainly in the fields of criminal defence and prosecution. He is a Deputy (part-time) Judge Advocate sitting in Courts Martial and a part-time judge in the First Tier Tribunal, dealing with asylum and immigration cases. He was also a Deputy Chairperson of the National Health Service Tribunal and a consultant trainer to the Inns of Court School of Law in London. He is also presently a non-Executive Director of a legal training company.

**Mr Mark Finegan** was admitted as a solicitor in 1993. He spent ten years as a solicitor in private practice before joining the Department of the Director of Public Prosecutions in 2003 as a Senior Public Prosecutor. Since 2010 he has worked as a Senior Principal Legal Officer in the Office of the Attorney General for Northern Ireland. He is a qualified Solicitor Advocate and has been a member of the Crown Court Rules Committee since 2011.

**Martin O'Brien** has been a practising barrister at the Bar of Northern Ireland for 28 years, specialising in employment and discrimination law. He has a Masters degree in Human Rights and Emergency Law, and for 18 years was an academic lecturer at the Institute of Professional Legal Studies, Queen's University, Belfast. Martin was called to the Bar of Ireland in 1998 and served as a part time Judge of Employment Tribunals from 1998-2009. He is also a part-time Judge of Appeals Tribunals, and an Adjudicator of the Criminal Injuries Compensation Appeal Panel. Martin is a Fellow of the Higher Education Academy. In addition to sitting on a number of boards and committees, Martin is the current Chairman of the Board of Governors of St. Patrick's Academy, Dungannon and is also the Chairman of a children's Safeguarding Advisory Panel.

## Commissioners from a Psychiatry and Psychology Background

**Dr Adrian Grounds** was a University Senior Lecturer in forensic psychiatry at the Institute of Criminology, University of Cambridge, and an honorary consultant forensic psychiatrist in the Cambridgeshire and Peterborough NHS Foundation Trust, until retiring in 2010. He is now an honorary research fellow at the Institute of Criminology, and a medical member of the First Tier Tribunal (Mental Health) in England. He has also been a Sentence Review Commissioner since 1998.

**Professor Peter Hepper** is a Professor of Psychology and is currently the Head of School of Psychology at the Queen's University of Belfast. He has previously served as: Director of Research, School of Psychology, Queen's University Belfast; Chair of the Irish Football Association Appeals Committee, Non-Executive Director Ulster Hospitals Trust. He is a Chartered Psychologist and a Fellow of the British Psychological Society and has been Visiting Professor at Kyushu University, Japan, University New South Wales, Australia, Vanderbilt University, USA. Professor Hepper is a qualified hostage negotiator and forensic interviewer of children. He is trained in linguistic threat analysis and behavioural indicators of violence and violent attacks.

**Dr Damien McCullagh** is a Consultant Clinical & Forensic Psychologist within the Mental Health and Learning Disability Directorate of the Southern Trust (2000-present). He is a Chartered member of the British Psychological Society. He has previously worked as a Principal Psychologist with the Northern Ireland Prison Service where he had primary responsibility for providing psychological risk assessments on Life Sentence Prisoners to the Life Sentence Review Board (1997-2000). He previously held posts in Adult and Child Psychology Services in the Republic of Ireland and with Sperrin Lakeland Health and Social Services in Omagh (1989-1997). Dr McCullagh is an Honorary Lecturer in

Forensic Risk Assessment at Queen's University, Belfast. He is also an Association of Chief Police Officers (ACPO) accredited Behavioural Investigative Advisor. He has previously been the Chairman of the Board of Governors of Drumragh Integrated College in Omagh from 1995-2005.

**Dr Micaela Greenwood** is an independent business psychologist and management consultant. Her previous positions include Principal Occupational Psychologist at the Police Service of Northern Ireland and Associate Director of the MSc in Occupational Psychology at Queen's University of Belfast. Micaela was appointed as a Sentence Review Commissioner in 2015.

**Mrs Deborah McQueirns** is an independent Registered and Chartered Forensic Psychologist, Chartered Scientist and Associate Fellow of the British Psychological Society (BPS). Her previous positions include Principal Forensic Psychologist in female and high secure prisons, Consultant Psychologist in private healthcare specialising in forensic learning disability and acquired brain injury and specialist forensic psychologist in forensic mental health. She is currently working as a consultant psychologist in the High Secure Estate in England, as an independent trainer and a practitioner psychologist. Her particular areas of expertise are in personality disorder, forensic learning disability and mental health. Mrs McQueirns is also a PhD researcher at the University of Portsmouth in narrative identity and agency in older male prisoners.

**Mr Emmet Murray** is a Health and Care Professions Council registered and British Psychology Society Chartered Forensic Clinical Psychologist currently working in the area of Adult Mental Health and Child Protection. He was previously a Principal Psychologist with the Northern Ireland Prison Service and is currently an Expert Advisor with the National Policing Improvement Agency.

**Dr Shelagh-Mary Rea** is a Consultant Psychiatrist with specialist status in General Adult Psychiatry and

Old Age Psychiatry. She has practiced as a Consultant in Old Age Psychiatry for twenty-four years in the Northern Sector of the Western Health and Social Care Trust areas until her retirement in 2010. She is a Fellow of the Royal College of Psychiatrists and currently works as a medical member of the Regulation and Quality Improvement Authority.

**Ms Claire Hunt** is a Registered Psychologist, Chartered Forensic Psychologist and an associate fellow of the British Psychological Society. She has worked as a Forensic Psychologist for 24 years. She is a psychologist member of the Parole Board for England and Wales and she also works part-time in mental health services, as a Consultant Psychologist. Ms Hunt has been working as an expert witness in criminal and family law proceedings for 16 years and regularly attends court to provide expert testimony. Previously she worked in HM Prison Service for 11 years, working with high risk offenders, both male and female.

**Mrs Siobhan Keating** is a Registered Psychologist (HCPC) and Chartered Forensic and Clinical Psychologist (BPS). She currently works as a Consultant Psychologist in Belfast Health & Social Care Trust in the forensic learning disability service. Previously she was a Principal Psychologist with the Northern Ireland Prison Service and a Senior Occupational Psychologist with the Dept. of Employment (NW England). She is a Chartered Scientist and an Associate Fellow of the British Psychological Society.

**Dr Linda Blud** is a Chartered Psychologist, a Registered Forensic Psychologist and Chartered Scientist. She served as a member of the Parole Board in England and Wales from 2004 – 2012 and has recently been re-appointed to the Board. She served as a member of the MOJ Correctional Services Accreditation and Advisory Panel, of England and Wales between 2008 and 2016 and a member of Scottish Government Accreditation Panel for Offender Programmes between 2006 and 2010. She was a Principal Psychologist at HMP's Offending Behaviour Programmes Unit from 1995 –

2001. Since that time she has worked with a number of prison psychology services in Europe and America, including Northern Ireland, where she provided support with programme delivery and risk assessment between 2011 and 2015.

**Dawn Harris** is a BPS Chartered Forensic Psychologist, and registered HCPC Forensic and Clinical Psychologist, and an accredited Psychotherapist. She previously worked in the Scottish Prison Service, becoming Head of Psychology for a maximum security prison and open, low secure prison. She is experienced in the assessment and treatment of offending behaviour, and is co-author of the Sex Offender Treatment Programme currently being delivered in Scotland. Dawn has a specialist interest in assessing and treating psychological trauma, particularly within the offending population, and trains other professionals in the principles of trauma-informed care. She co-founded a private psychiatric hospital in 2015 which specialised in treating people with a history of psychological trauma, which was subsequently bought by a large healthcare company. Dawn currently works in independent practice providing a highly specialist forensic and clinical service in both forensic and clinical settings.

**Dr Andrea Higgins** is a BPS Chartered Clinical Psychologist, and HCPC registered Practitioner Psychologist. She is a Consultant Clinical Psychologist with the Ministry of Justice. She has worked in a variety of clinical and forensic settings, providing specialist services including the assessment of risk of reoffending, which is an area of special interest for her. She has completed doctoral training in forensic clinical psychology and associated specialities and is experienced in the identification and management of risk of reoffending in both community and prison populations. Dr. Higgins is the current chair of the Division of Clinical Psychology within the Psychological Society of Ireland and Vice-Chair of the Neurological Alliance of Ireland. She has a special interest in offending behaviour in the context of neurological conditions and mental health issues. In

2013, she established a clinical psychology service in a specialist neuropsychiatric Hospital, providing services to patients with neurological, neuropsychiatric and mental health conditions. She is an Adjunct Lecturer in University College Dublin, Clinical Tutor in Trinity College Dublin and an active member of the European Huntington's Disease Network working groups.

## Commissioners from Relevant Backgrounds

**Mr Nigel Stone** was Senior Lecturer in Criminology and Criminal Justice at the University of East Anglia (UEA) and is now a Visiting Fellow there. Until 1997 he also served in the Probation Service for 25 years, holding a joint appointment as Probation Officer and Head of Home Office sponsored training programmes for probation students at UEA. He was a criminologist member of the Parole Board for England and Wales 1997-2007 and was reappointed to the Board in 2010.

**Mr Stephen Murphy CBE** is a former Director General of the National Probation Service for England and Wales, prior to which he was Chief Probation Officer first in Hampshire and the Isle of Wight and then in Northumbria. He is a member of the Parole Board for England and Wales on which he also served from 1995 to 2005.

**Mrs Elaine Peel** is currently a Company Director. She was formerly an Assistant Chief Probation Officer with 24 years' experience of working with offenders. During her time with the Probation Board for Northern Ireland she was instrumental in setting up a wide range of multi-agency services for prisoners and their families and the implementation of the first programmes to deal with domestic violence in Northern Ireland. She was a Director of the National Community Justice Training Organisation.

**Mrs Alexandra Delimata** is a self-employed consultant who works primarily with community

groups, enterprises and small businesses in North West Ireland. Until 2004, she was Corporate Secretary of The Travel Partnership Corporation, an international consortium of travel associations. Prior to relocating to Ireland in 2001, she was Assistant Director, Corporate Development, for the International Air Transport Association (IATA) in Geneva.

**Mrs Ruth Laird CBE** is a human resource professional with particular experience in organisational development, equality and diversity in the public, private and voluntary sectors. She was formerly Director of the National Trust NI, Head of Personnel for BBC (NI) and a Fair Employment Commissioner. Ruth has held appointments as a NI Judicial Appointments Commissioner; Civil Service Commissioner; a non-executive Director of both the Northern Ireland Prison Service and the Regulation and Quality Improvement Authority; a Board member of Business in the Community and National Trustee of Barnardo's. She is currently an Independent Assessor for Public Appointments, a member of the Civil Legal Services Appeal Panels and a member of the Council of Ulster University. On 29 October 2015 she was appointed as a member of the Mental Health Review Tribunal. Ruth was made a CBE in the 2012 Queen's Birthday Honours List for public and voluntary services in Northern Ireland.

**Ms Mollie Weatheritt** was a member of the Parole Board for England and Wales from 1998 to 2008, where she served as the Board's Director of Quality and Standards. She has a background in research on criminal justice, focussing on policing. She is currently a member of the Conduct and Competence Committee of the Nursing and Midwifery Council and of the Investigating, Health and Conduct and Competence Committees of the Health and Care Professions Council. She has been a member of the Independent Monitoring Board for HMP Pentonville since 2010. Ms Mollie Weatheritt retired from the Parole Commissioners during the period of this report.

**Dr Duncan Morrow** is an academic in the University of Ulster currently developing engagement with communities and stakeholders as party of the University's Greater Belfast Development. Until 2011 he was Chief Executive of the Community Relations Council (CRC) and has taken an active role in peace building and the legacy of violence in the past. Dr Morrow is also a Sentence Review Commissioner for Northern Ireland. Currently, he is chair of the Scottish Government Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion.

**Dr Patrick McGrath** retired in 2002 from the NHS after 30 years' service as a General Practitioner and now continues in regular clinical practice as a Forensic Physician. He formerly taught Medical Ethics and Law at the University of Ulster as a visiting Professor until retirement from that position in 2015. In 2006 Dr McGrath was elected a Foundation Fellow of the Faculty of Forensic and Legal Medicine of the Royal College of Physicians.

**Miss Linda McHugh** is a Management Consultant and former Vice-Chair of Community Housing Association. She is a Board Member of a number of voluntary sector organisations and a member of the Audit Committee of the Law Society. She was an Independent Member of the Parole Board for England and Wales from 2002 until 2009 and was a non-executive member of its Management Board and Chairman of its Audit and Risk Management Committee.

**Mrs Elsbeth Rea OBE** is a retired social worker. She has worked as both a Senior Probation Officer with the Probation Board for Northern Ireland, as a lecturer in Social Work at Queen's University Belfast and for various social work and social care bodies and agencies on a sessional basis. She is currently a Lay Magistrate and a Lay Member of the Bar Disciplinary Committee. She has held public appointments with the Northern Ireland Committee of Ofqual, the Ulster Community and Hospitals Trust, the Police Authority for Northern Ireland and the Eastern Health and Social Services Council.

**Mrs Debbie Hill** is a barrister (non-practising). She began career in Youth Justice before working in the Probation Service as a District Manager responsible for courts and as the District Sex Offender Specialist. She re-trained as a barrister. She is currently an independent member of the Parole Board for England and Wales, a lay member of the Criminal Injuries Compensation Board and the Mental Health Review Tribunal for Wales. Mrs Hill is currently sitting as a Chair for the General Chiropractic Council fitness to practice Panels and is also a lay member/Chair for the MPTS fitness to practice hearings.

**Ms Mary Barnish** is a former senior probation officer who worked for London Probation for 35 years. Her management roles have included the family courts service, programmes for women offenders, victims unit, and a public protection unit responsible for the assessment and supervision of high risk offenders. From 2002 -2005 she was seconded to HM Inspectorate of Probation for England & Wales, auditing accredited programmes and conducting effective supervision inspections, including a thematic inspection on domestic violence. More recently she was a member of London Probation's Inspection and Standards unit where her responsibilities included HR and complaints investigations and conducting serious case reviews.

## APPENDIX B

### Commissioners' Remuneration

Remuneration Band*	Number of Commissioners
£0.00 - £5,000	2
£5,001 - £10,000	4
£10,001 - £15,000	8
£15,001 - £20,000	9
£20,001 - £25,000	4
£25,001 - £30,000	4
£30,001 - £35,000	7
£35,001 - £40,000	2
£40,001 - £45,000	0
£45,001 - £50,000	1
£50,001 - £60,000	1

\*These figures include Employers' National Insurance contributions.

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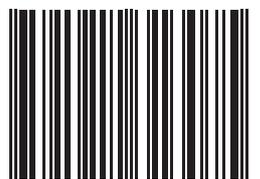
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