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Voices in Justice: parole reform in Scotland

CYCJ Response

Collaborating for rights-respecting justice
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Overview

The Children and Young People's Centre for Justice (CYCJ) welcomes the opportunity to respond to the Scottish Government's [consultation](#) on Voices in justice: parole reform. The consultation asks questions on a broad range of areas centred on parole improvements and parole reform.

Summary of CYCJ position

Our response to this consultation is drawn from our practice, participation, research and policy expertise and evidence. In it we identify several opportunities to create a more rights-based approach for the parole system. At the heart of any changes to the parole process must be the successful rehabilitation and reintegration of those who have caused harm back into the community. All decisions must be shaped by considerations of human rights, including the United Nations Convention on the Rights of the Child (UNCRC), the evidence on neurodevelopment, and best practice on rehabilitation. We also believe the system should be improved for victims, enhancing their right to information and understanding of the process.

Consultation response

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

- Yes
- No
- Other
- Not sure / No opinion

Please explain your answer:

The Children and Young People's Centre for Justice (CYCJ) works towards ensuring that Scotland's approach to children and young people in conflict with the law is rights respecting, contributing to better outcomes for our children, young people, and communities. Integral to this has been promoting best practice for the reintegration back into the community of children and young people who have caused harm, ensuring the needs and rights of child victims are understood and promoted, and working to increase community confidence. Our response to this consultation is drawn from our practice, participation, research and policy expertise and evidence.

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CYCJ supports the idea of having a clear definition of the purpose of the parole system, arrived at through careful consultation and deliberation. If done correctly, we believe this would help promote greater public understanding of how the parole system is intended to work. Clear definitions of processes to enhance accountability and empower rights holders, is also in keeping with best practice around developing a rights-based system. This could help to increase community confidence in the success of the system, promote more positive interaction with it, and provide a foundational point for public scrutiny, particularly over cases where redress is being sought. We would caveat that our support would be dependent on the actual wording of the statement and its ability to successfully encapsulate the core purpose.

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

CYCJ is supportive of the forward-looking approach from the Netherlands which emphasises the need to support both victims and those who have caused harm to turn their lives around. Recognition of the rights of all children, enshrined in the United Nations Convention on the Rights of the Child (UNCRC), should also inform the defined purpose. The UNCRC specifies every child should be “fully prepared to live an individual life in society” (United Nations Committee on the Rights of the Child, 1989, p. 2), and outlines several rights and obligations focused on reintegration, support and throughcare (Article 40). We believe the defined purpose should clearly and succinctly capture this to state the need for a rights-based, trauma-informed approach, based on dignity and compassion, which centres rehabilitation and reintegration, and promotes community confidence.

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

Please explain your answer:

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CYCJ recognises that there is a careful balance to be struck between openness on the one hand and respecting privacy and promoting reintegration on the other. That said, we believe that in cases where an offence was committed when an individual was under 18, there is a paramount need to centre rehabilitation and reintegration in the parole process. Of central consideration is that children have their rights enshrined in the United Nations Convention on the Rights of the Child (UNCRC), which was incorporated into Scots law in 2024. Article 40 of the UNCRC, in particular, which relates to children in the justice system, requires “privacy to be fully respected at all stages of the proceedings”. As clarified by UNCRC General comment 10 on Children’s rights in juvenile justice (2007), this covers the entirety of their journey through the justice system, including their final release. As stated in General Comment 10, the reasoning behind this is: “it is meant to avoid harm caused by undue publicity or by the process of labelling. No information shall be published that may lead to the identification of a child offender because of its effect of stigmatization, and possible impact on his/her ability to have access to education, work, housing or to be safe”.

CYCJ would also argue that the respecting of privacy in order to help facilitate reintegration should also extend to adults in the justice system who committed their offence when they were under 18. This would be in keeping with a wider shift toward more developmentally informed and proportionate justice for young people in Scotland which recognises adolescent neurodevelopment and prioritises rehabilitation over punishment. The Scottish Sentencing Council’s guidelines for Sentencing young people (2022), defined as those under 25, for example, explicitly incorporates scientific research on brain development. Drawing on global evidence, the Council notes that full brain maturity may not be reached until around age 25 and that prior to this young people will typically have lower levels of emotional and cognitive maturity (Scottish Sentencing Council, 2022). The guidelines also recognise the evidence that young people have a greater capacity for change and rehabilitation compared to older adults (SSC, 2022). As such we believe the publishing of parole board decisions should be kept to summaries.

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)

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- 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

Please explain your answer:

In keeping with our response to the previous question, we recognise the balance between openness and privacy, but stress the need to protect the privacy of children and young people who committed their offence before the age of 18.

We would also draw attention to article 40 of the UNCRC which stresses the need for the right to privacy to be maintained for children throughout the entire justice process. In addition, UNCRC General Comment 10 stresses information that could reveal the identity of a child must not be published, as it may create a stigma and a labelling which could hinder key steps of reintegration.

As with question three, we would also highlight the widespread evidence on ongoing brain development which continues until around the age of 25. This means that young people's brains are still maturing, especially in areas related to decision-making, impulse control, and emotional regulation. This, combined with the greater capacity for rehabilitation which younger people have (SSC, 2022), underlines the importance of ensuring the opportunity for children and young people to be rehabilitated and reintegrated into their community is maximised. This will, after all, best serve the long term safety of the community.

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

Please explain your answer:

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CYCJ would be supportive of more detailed information being provided about how decisions are reached in terms of guidance and criteria. We would support the use of case studies if they were completely anonymised, with no identifiable information.

We believe this could help increase both the general public's understanding of the parole process, as well as for individual victims. We know from our own work that child victims in particular can find interaction with the justice system confusing and challenging and steps such as this to aid their understanding would be welcome.

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

We have chosen 'other' as feel it should be determined by the victim themselves as to the best method for them to receive information, in line with a person-centred approach. We would support this as recognising the need to minimise re-traumatisation where possible and greater victim autonomy, however small, may help with this.

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

CYCJ did not respond to this question.

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

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- Not sure / No opinion

Please explain your answer:

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

Please explain your answer:

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

(Select all that apply)

- 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

Please explain your answer:

As outlined in our responses to questions three and four, the need to maintain the privacy of children and young people who have offended is vital in aiding their rehabilitation and reintegration into the community. All children in Scotland are now protected by the UNCRC which stresses the need for the right to privacy to be maintained for children throughout the entire justice process (articles 16 and 40). In addition, the UNCRC General Comment 10 outlines information that could reveal the

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identity of a child must not be published, as it may create a stigma and a labelling which could hinder key steps of reintegration. We would, therefore, strongly object to the presence of journalists or other media representatives.

We are more sympathetic to the case of including professionals such as social workers if it were to aid their practice. However, given the sensitivity of individual cases, and the extent to which adolescent neurodevelopment is at play, we would argue against their granting of access to hearings. Behaviours which bring children and young people into conflict with the law are often rooted in unmet needs, trauma, and adversity (SCRA 2025, McAra & McVie 2022) and a critical part of their rehabilitative journey on passing through parole is being enabled to progress to positive destinations, such as education or work, without fear of being hindered by past actions (CYCJ 2025).

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

Please explain your answer:

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?

Victims should be provided with a detailed overview of all the key stages of the process, with a timeline of events. It could be helpful to include individual experiences to help put the formal process into a more understandable framing. Victims should know who and where to turn for guidance, particularly around when and how they can provide input to the process. Alongside this, a plain English explanation of key legal terminology would also be helpful. Victims should be allowed to choose which format this information is presented in.

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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?

Digital tools can be a very helpful way for explaining complex processes in understandable ways and can help bring to life experiences of going through a system. They are not the only means of communication, however, and their introduction should not mean the removal of more traditional channels, such as printed material and in-person/ telephone support.

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

CYCJ did not respond to this question.

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

Please explain your answer

We do not have a fully formed view as yet on this as it would depend on what the single test was. We would note that individual cases are unique, can be complex, and that the age of offender at the time of the offence needs to be considered, in light of evidence around neurodevelopment.

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

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reintegrate.

- Other
- Not sure / No opinion

Please explain your answer:

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?

CYCJ did not respond to this question.

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

Please explain your answer

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

Please explain your answer

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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

Please explain your answer

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

Please explain your answer

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

- Yes – specific backgrounds should be legally required on every oral hearing panel.
- No – oral hearing panel composition should remain flexible.
- Other
- Not sure / No opinion

Please explain your answer

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?

CYCJ did not respond to this question.

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?

CYCJ did not respond to this question.

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

Please explain your answer

A formal review or appeal process is a vital component of a rights-based system as it helps to promote fairness, accountability, and the protection of rights. We believe it should be introduced to help overcome procedural errors and give individuals, both victims and those who have harmed, greater rights in the process.

CYCJ had no response for the remaining questions.

References

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