



Parole Commissioners
for Northern Ireland

ANNUAL REPORT
2018-2019



Parole Commissioners For Northern Ireland

Annual Report 2018/19

Report for the year end 31 March 2019

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 2008¹, 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:

- 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) 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

¹ 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.

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

This has been another year with a stable workload. In fact, little has changed since my last report in that there has been very limited progress on the issues I highlighted there. There have however been a number of judicial challenges in important areas which impact on our work which I will refer to later in this report.

Workload and Key Statistics

This year new referrals have seen a decrease of 6% or 39 referrals. This has largely been due to a decrease in the number of recall requests (12% decrease) and subsequently recall reviews as well (6% decrease).

152 cases were completed at the single Commissioner stage. Although this is a decrease of 10% against the 2017/18 figures, it is still an increase on the two previous years (141 in 2015/16 and 145 in 2016/17).

In DCS recall reviews² 62% of the cases completed in year were completed at the single Commissioner stage. 29 DCS cases were referred to panel (3% decrease) whilst a further 45 requests (18% increase) for an oral hearing were received.

The overall number of cases referred to panel amounted to 74, a 1% increase on the previous year. Commissioners considered that in 20 of the cases referred to panel there was a need for oral evidence from witnesses, such as PBNi and psychology, to enable the panel to make an informed decision. There were also 15 cases where Commissioners felt it was necessary to test the prisoner in oral hearing to help ascertain his progress whilst in custody. In over a third of cases referred to panel, the Commissioners sought updated information relating to release and risk plans.

For the first time in five years the overall case completion figure has decreased showing a downturn on output of just over 3% (21 cases), which would be expected given the reduction in the number of recalls and recall reviews.

There has been a decrease in the number of recalls requested this year – a reduction of 26 (12%). Recall requests relating to life sentenced prisoners has significantly reduced by 75% this year (decreasing from eight to two), whilst there have been smaller decreases of 10% in DCS prisoners and 6% in ECS/ICS prisoners. On 11 occasions the recommendation to recall was not accepted by the Department of Justice/Secretary of State and the prisoner was not recalled.

Commissioners completed 248 panel hearings, an increase of 6% (14 cases) on the previous year. There has been a noticeable decrease in the number of prisoners released with 24 less prisoners (decrease of 22%) being released compared to last year's figure.

Overall, 893 provisional directions/directions, single commissioner decisions, panel decisions, pre-tariff recommendations, licence consultations/variation/cancellation recommendations and recall recommendations have been issued in year which is a 4% increase on last year

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

² This includes those cases with under Articles 28(4) and 29(6)

There have been four Protected Information cases this year, two of which were carried forward from the previous year. Commissioners have completed two of the cases, in one of the other cases the protected information was withdrawn and the final case is ongoing. 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	2018/19
6	46	52	47	50
7(2)	0	0	1	0
8(3)	8	4	9	14
9(1)	2	4	8	2
9(4)	3	3	7	2
18	110	110	92	83
20	0	0	1	0
24(5)	32	37	38	40
28(2)(a) ECS/ICS	36	28	34	30
28(2)(a) DCS	160	169	180	163
28(4) ECS/ICS	39	25	27	30
28(4) DCS	153	156	166	152
29(6)	42	47	37	44
46(3)	10	7	15	13
Total	641	642	662	623

Cases Withdrawn/No Jurisdiction				
Article	2015/16	2016/17	2017/18	2018/19
6	0	1	0	0
7(2)	0	0	0	0
8(3)	0	0	0	0
9(1)	0	0	0	0
9(4)	0	0	0	0
18	0	3	1	1
20	0	0	0	0
24(5)	0	3	2	2
28(2)(a) ECS/ICS	0	0	0	0
28(2)(a) DCS	1	0	2	1
28(4) ECS/ICS	0	1	0	0
28(4) DCS	0	2	0	0
29(6)	2	1	2	4
46(3)	0	0	0	0
Total	3	11	7	8

Cases Completed

Article	2015/16	2016/17	2017/18	2018/19
6	44	51	49	43
7(2)	0	0	1	0
8(3)	8	4	9	14
9(1)	2	4	8	2
9(4)	4	3	3	7
18	93	101	100	101
20	0	0	1	0
24(5)	33	34	39	40
28(2)(a) ECS/ICS	36	28	33	31
28(2)(a) DCS	160	168	181	163
28(4) ECS/ICS	37	30	29	21
28(4) DCS	129	162	155	165
29(6)	36	44	38	37
46(3)	8	12	12	13
Total	590	641	658	637

Cases completed at single Commissioner

Article	2015/16	2016/17	2017/18	2018/19
6	9	12	11	7
9(4)	0	0	0	0
18	19	14	21	18
28(4) ECS/ICS	6	3	10	2
28(4) DCS	85	91	103	100
29(6)	22	25	24	25
Total	141	145	169	152

Cases referred to panel				
Article	2015/16	2016/17	2017/18	2018/19
6	9	7	10	12
9(4)	1	2	1	0
18	18	26	26	26
28(4) ECS/ICS	7	6	4	7
28(4) DCS	8	18	21	21
29(6)	4	8	10	8
Total	47	67	72	74

Oral Hearing Requests								
Article	2015/16		2016/17		2017/18		2018/19	
	Refused	Granted	Refused	Granted	Refused	Granted	Refused	Granted
28(4) DCS	2	38	0*	52	0**	32	1	37
29(6)	0	9*	1	10	0	6	1	6
Total	2	47	1	62	0	38	2	43

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

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

Panel Hearings Held				
Article	2015/16	2016/17	2017/18	2018/19
6	42	53	43	45
9(4)	9	2	2	7
18	79	94	90	95
28(4) ECS/ICS	39	27	22	22
28(4) DCS	52	76	62	64
29(6)	14	20	15	15
Total	235	272	234	248

Release Decisions

Article	2015/16	2016/17	2017/18	2018/19
6	11	14	12	3
9(4)	0	1	1	0
18	17	19	24	13
28(4) ECS/ICS	12	10	8	7
28(4) DCS	18	47	45	47
29(6)	15	14	18	14
Total	73	105	108	84

No Recommendations for Further Review

Article	2015/16	2016/17	2017/18	2018/19
6	0	0	0	1
9(4)	0	0	0	0
18	16	22	18	23
28(4) ECS/ICS	9	1	8	5
28(4) DCS	79	79	69	76
29(6)	13	17	13	11
Total	117	119	108	116

Recalls

Article	2015/16		2016/17		2017/18		2018/19	
	Recall	Not recalled	Recall	Not recalled	Recall	Not recalled	Recall	Not recalled
9(1)	2	0	4	0	8	0	2	0
28(2)(a) ECS/ICS	34	2	27	1	32	1	30	1
28(2)(a) DCS	153	6	163	5	178	1	154	7
Total	189	8	194	6	218	2	186	8

Licence Conditions - Recommendations					
Article		2015/16	2016/17	2017/18	2018/19
8(3)	Condition(s) cancelled	6	3	6	8
	Condition(s) not cancelled	0	0	1	0
	Condition(s) varied	2	0	2	4
	Condition(s) not varied	0	1	0	1
	Proposed Conditions (s) - agreed	0	0	0	1
	Proposed Conditions (s) – not agreed	0	0	0	0
24(5)	Consultation - agreed	18	15	10	5
	Consultation - not agreed	0	0	1	0
	Consultation - partially agreed	0	0	2	0
	Condition(s) varied - agreed	11	18	5	18
	Condition(s) varied - not agreed	0	0	1	0
	Condition(s) inserted - agreed	4	1	10	0
	Condition(s) inserted - partially agreed	0	0	1	0
	Condition(s) cancelled - agreed	0	0	3	0
	Variation and insertion agreed	0	0	3	0
	Variation and cancellation agreed	0	0	1	0
	Proposed Conditions(s) - agreed	0	0	0	15
	Proposed Conditions(s) – not agreed	0	0	0	0
Total		41	38	46	52

Quality Issues

As stated earlier, little progress has been made in ensuring that Commissioners have witnesses and representatives from the Department of Justice at hearings save in cases involving the recall of Life Sentence Prisoners where a policy decision has been made that there should be legal representation. I very much welcome this change which has led to better focussed and informed hearings. However, there are few such cases and the overall position remains largely unchanged from my previous three reports. Inadequate witness provision and the lack of sufficient evidence before the panel drives up the rate of adjournments and reduces disposal rates. This year's performance statistics demonstrate this. I referred last year to the need for clarity in our power to direct witnesses' attendance and the decision in *Toal* [2017] NIQB 24. Commissioners have lodged an appeal in that case and we still await the Court of Appeal's judgement which we hope will help inform a more consistent approach going forward.

I also referred to difficulties with healthcare issues within the prison system in connection mainly with providing reports to PCNI when considering applications for parole. I am pleased to report that there have been some positive developments here. I met with the Director and other senior officials from the South Eastern Health Trust and we discussed how progress could be made. Some practical matters were identified – the main one being that the Trust was not a party to the proceedings and thus could not be routinely copied into directions and decisions. The Trust gave an informative presentation to the Commissioners' annual plenary training event. The Head of Rehabilitation of Northern Ireland Prison Service (NIPS) has now set up a forum with the Trust as a vehicle to continue to work together to ensure we have the information we need to make robust risk assessments. It must be recognised that this work was not apparently included in the transfer of healthcare from NIPS and the consequent budgetary implications. The cases where we need specialist healthcare reports are thankfully few and I am grateful that the Trust has been able to assist when we have raised particular issues with

them. In the longer term, I hope that this matter can be resolved when the contract is renewed by way of a service level agreement so that we can be confident that we are able to receive all the information we need when dealing with what are often the most vulnerable individuals who have complex needs.

As previously reported, the Probation Board for Northern Ireland (PBNI) revised its assessment of significant Risk of Serious Harm (sROSH) and this continues to create difficulties for the Parole Commissioners in relation to the assessment reports presented to the panel at hearing. Commissioners are clear that the test we are obliged to consider is that set out in the legislation, namely whether it is no longer necessary to protect the public from serious harm that a prisoner be confined. Serious harm is defined as "death or serious personal injury whether physical or psychological".

Following last year's report, we have held further meetings with PBNI and invited them to present at our annual plenary training session on this topic. It is clear that their assessment of sROSH concentrates on the sentencing stage of proceedings and is based on a 'high likelihood' of such harm. That is not the threshold for parole referrals and under the Parole Commissioners' Rules (Northern Ireland) 2009; we are entitled to have an assessment of the risk of serious harm provided to us. It was in fact helpful that a judicial review was sought to try and clarify matters. However, we do not consider that the outcome of that case (*Toal* 2) has assisted and there continues to be confusion around this fundamental issue. The Commissioners have appealed to the Court of Appeal and I understand the case is listed for hearing in May 2019. In the meantime, a high level of uncertainty continues.

Parole Commissioners' Rules

The Rules review, conducted by Judge Burgess on behalf of the Department of Justice, remains a work in progress. I understand that a report with recommendations is due to be issued in June 2019. It is difficult to see what will be capable of change without a functioning Executive in place especially given the issues I mentioned in last year's

report raised in the English case of Worboys such as the lawfulness of the confidentiality rule (our Rule 22) and the role of victims in the process. We will of course do all we can to make progress in this important review.

Stakeholder Engagement

We continue to engage positively with stakeholders especially PBNi and NIPS. We also hold productive meetings with our sponsors and the Department of Justice and I am grateful to officials for their positive approach and engagement.

In addition, I have been approached by the probation and mediation service for the Czech Republic for assistance in helping them set up new parole arrangements. The Commissioners will be hosting a study visit in June 2019 and I am most grateful to PBNi and NIPS who will be contributing to this event. It is encouraging that Northern Ireland is seen as an exemplar of parole in an international context.

Commissioners

I am pleased to report that the Lord Chief Justice recommended retired Judge Desmond Marrinan for appointment as a Parole Commissioner. He was appointed in October 2018 and has now completed training and panel observations. I know that he will make an important contribution to our work.

Commissioners have had no increase to their fees now for 8 years and negotiations have been taking place with the Department of Justice for an annual percentage review, starting from April 2018 with a proposed rise of 1%. I know that officials have begun to progress this and have been trying to assist but I must record my disappointment that there has been no progress here. I hope that this can be rectified shortly and firm arrangements put in place for the future.

We are also seeking to appoint up to six additional Criminal Justice group Commissioners to fill current and anticipated vacancies to ensure that we are able to continue to fulfil our role and maintain our ability to manage our workload effectively.

Secretariat

The Commissioners continue to receive excellent support from our staff in the Secretariat. There have been some changes to personnel over the last 12 months but this has not affected the quality of the team. I am grateful for their cheerful and efficient assistance and I know my colleagues feel the same.

Governance

We continue to receive a good service from our sponsors in both the Northern Ireland Courts and Tribunals Service (NICTS) and the Department of Justice. I would like to express my thanks to Peter Luney who has been acting Chief Executive of the Courts and Tribunals Service over the last financial year. Peter replaced Ronnie Armour who moved on to become the Director of Resettlement and Head of the Northern Ireland Prison Service. Peter has ensured a seamless transition in our sponsorship arrangements and has worked in partnership with the Commissioners who are grateful for his collaborative approach.

Mrs Gillian McClearn, in her new role of Head of Tribunal Services in NICTS, has now been Secretary to the Parole Commissioners for over a year. In this short time she has developed an excellent understanding of the work of the Commissioners and continues to provide excellent strategic leadership to both the Secretariat and Commissioners.

Data Protection Act 2018

During this reporting year work was ongoing in preparation of the new Data Protection Act 2018. Considerable preparatory work has been completed by the Commissioners and Secretariat on the Act, relating to the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED).

There was a considerable amount of work completed in advance to ensure PCNI was in a state of readiness for the introduction of the Act in May 2018. This included:

- The compilation of an Information Asset register; to record all the data held and the lawful purpose for holding the information;

- Listing and mapping personal data held, its origin, including details of who the data is shared with and who has responsibility for it;
- Identifying the personal data processed under GDPR and differentiating the data which is processed under LED;
- Revision of all existing contracts, which involve processing of personal data;
- Roll out of policies and procedures for implementation and monitoring of Data Protection Impact Assessments (mandatory under LED);
- Development of Privacy Notices;
- Reviewing IT systems and retention schedules; and
- Developing processes to record and report incidents and data breaches.

The Commissioners have embraced these new processes and arrangements acknowledging the importance of the data used and the expectation that it is securely managed and stored. The new Data Protection Act has reinforced the need to ensure that everyone's data is appropriately and legally accessed, stored and protected.

Judicial Challenges/Reviews

There has been a high number of challenges this year, similar to last year.

Three challenges were carried forward from the previous year and 15 new pre action letters received, bringing the total for the year to 18. Nine of the cases were closed with eight being settled without further recourse to the court. There have been a variety of reasons submitted as challenges to the decisions made by the Commissioners ranging, from very general assertions that the decision is unreasonable to the failure to consider relevant information.

This year the subject matter of a number of judicial reviews could, if successful, have a significant impact on the work of the Commissioners. For the first time we received a pre action letter from a victim, which sought leave to challenge a tariff calculation on a life sentence prisoner. Leave was granted and the applicant was successful. The judgement is currently being appealed

by both the prisoner as well as the Department. This challenge also highlighted the impact of Rule 22 pertaining to confidentiality of a Parole Commissioner's decision, which is currently being considered by the Court of Appeal. The Department of Justice have been conducting a review of the Parole Commissioners Rules (Northern Ireland) 2009 and when the outcomes of this are available we will work in consultation with the Department and our stakeholders to determine the impact on the processes and procedures of the Parole Commissioners and the secretariat.

A judicial review in the case of Toal challenging the Parole Commissioners' application of the Significant Risk of Serious Harm (sROSH) test was successful. The judgement noted a failure by the Commissioners to formulate and apply the correct legal test and the impugned decision of the panel was therefore quashed. There are complex legal arguments to consider surrounding the application and interpretation of the sROSH test by both the Parole Commissioners and the Probation Board for Northern Ireland (PBNi) who have recently revised their interpretation and guidance to the test. As mentioned earlier the Parole Commissioners have submitted an appeal to the quashing of this decision, which was heard in the Court of Appeal on 10 May. We await the judgement which will inform and define our interpretation of this test going forward.

Going Forward

I very much hope that we will have more clarity on the important issues that have concerned us once we receive the judgements of the Court of Appeal in the two Toal cases. In turn, this should feed into the review of the Rules. Of course, extensive amendments of this nature may require legislation change which could again lead to further delay.

In conclusion, I would like to pay tribute to my fellow Commissioners for their professionalism and commitment. They continue to deal with our caseload efficiently and effectively and I am proud of all they do.

Resources

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.

Fees and Expenses

The PCNI are paid on a case fee basis and a pro-rata fee for undertaking other non-casework business. The case rates payable to each category of Commissioners during 2018-19 are as follows:

Article under CJO or LSO	Article Description	Single Commissioner	Chair of Panel (Legal)	Other Panel Member (Psych/Criminal Justice)
Article 6	Lifer Release Decision	£898	£914	£539
Article 8(3)	Variation of Licence (Lifer)	£359	-	-
Article 9(1)	Recall Recommendation (Lifer)	£180	-	-
Article 9(4)	Recall Review	£898	£914	£539
Article 18	ECS/ICS Release	£898	£914	£539
Article 24(5)	Variation of Licence (ECS/ICS)	£359	-	-
Article 28(2)a	Recall Recommendation (ICS/ECS/DCS)	£180	-	-
Article 28(4)	Recall Review (ICS/ECS/DCS)	£718	£686	£359
Article 29(6)	Further Review of Article 28(4)	£718	£686	£359
Article 46(3)	Pre-tariff Review:			
	• Single Commissioner	£539	-	-
	• Interviewing Commissioner	£539	-	-
	Review request for panel hearing on DCS case:	£180	-	-

Commissioners are also paid allowances for travelling and subsistence in accordance with prescribed scales.

Financial Summary

Expenditure incurred by the Department of Justice in providing for the work of the Commissioners in the year ending 31 March 2019 is detailed below:

PCNI Expenditure – Financial Year 2018/19						
	2013/14 (£000)	2014/15 (£000)	2015/16 (£000)	2016/17 (£000)	2017/18 (£000)	2018/19 (£000)
Commissioners' Remuneration	896	927	836	945	874	929
Commissioners' Travel, Accommodation and Expenses	65	76	74	63	67	64
Legal Costs	105	22	29	50	89	64
Premises	137	187	120	103	104	100
General Administration	111	91	80	84	47	58
Staff Salaries	551	530	499	487	505	495
Total Expenditure	1,865	1,833	1,638	1,732	1,686	1,710

Contingent Liabilities

The PCNI discloses contingent liabilities where it determines that there may be a requirement to make economic outflow as a result of a current obligation arising from an in-year judicial review, when, at the end of the financial year the outflow is considered to be only **possible** rather than **probable**. A provision is set aside for the level of legal costs estimated that PCNI may have to settle. At the end of this financial year the outflow, if these claims were to be successful, is estimated at £25k per case.

APPENDIX A

Membership of the Parole Commissioners for Northern Ireland between 1 April 2018 and 31 March 2019

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

Judge Desmond Marrinan was called to the Bar of Northern Ireland in 1972 and later to the Irish Bar and the Bar of the Supreme Court of New South Wales. He specialised in criminal law, EC law and professional negligence until appointed a County Court judge in 2003. He served as such until 2018 dealing mostly with criminal trials in the Crown Court and he continues to sit as a Deputy County Court judge. From 2008-2011 he sat as the Recorder of Londonderry. He was formerly the Vice-Chair of the Law Reform Advisory Committee. From 1971-1978 he lectured in public law at the Queen's University of Belfast and latterly was an external examiner for the Institute of Professional Legal Studies at QUB.

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 was a member of the Board of Bryson Charitable Group from 2008 until 2018. In 2009 he was appointed to Transport Northern Ireland's panel of independent Public Inquiry Inspectors. He is also a non-executive Director of the Odyssey Trust Company and its subsidiary, W5.

Ms Anne Grimes qualified as a solicitor in 1990. She worked at Law Centre (NI) 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 a Legal Assessor to the Nurses and Midwifery Council in 2016 and as chair of HCPC Fitness to Practice Committee in 2017. She was appointed as Legal Assessor to NISCC in 2018.

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 was a Deputy Assistant Judge Advocate General sitting in Courts Martial and is a fee-paid judge in the First Tier Tribunal, in the Immigration & Asylum Chamber and the Care Standards Tribunal. 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.

Mr Martin O'Brien has been a practising barrister at the Bar of Northern Ireland for 29 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 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, behavioural indicators of violence and violent attacks and assessment and management of espionage threats.

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 was a Consultant Psychiatrist with specialist status in General Adult Psychiatry and Old Age Psychiatry. She 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 worked as a part-time medical member of the Regulation and Quality Improvement Authority for Northern Ireland from April 2009 until her retirement in December 2018. She is a Fellow of the Royal College of Psychiatrists.

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 an Associate Fellow of the British Psychological Society.

Dr Linda Blut is a Chartered Psychologist, a Registered Forensic Psychologist and Chartered Scientist. She served as a member of the Parole Board in England and Wales between 2004 and 2012 and was re-appointed to the Board in 2017. 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 as an independent forensic psychology consultant and 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.

Mrs Dawn Harris is a BPS (British Psychological Society) Chartered Forensic Psychologist, Associate Fellow of the BPS and a registered HCPC (Health Care and Professions Council) 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 in both the prison and community settings, and also wrote the anger management programme that is currently being delivered in Scotland in the prison setting. Dawn has a specialist interest in the assessment and treatment of psychological trauma, particularly within the offending population. She co-founded and owned a private psychiatric hospital in 2015 which specialised in treating people with a history of psychological

trauma, and was the first specialised hospital in the UK. She developed and now delivers BPS approved training to professionals in Trauma Informed Practice. Dawn is also a risk assessor for the Risk Management Authority in Scotland, authorising her to assess people considered at high risk of committing further sexual and/or violent offences and are potentially facing an Order of Lifelong Restriction. Dawn currently works in independent practice providing a highly specialist forensic and clinical service.

Dr Andrea Higgins is a BPS Chartered Clinical Psychologist, and HCPC registered Practitioner Psychologist. She is the Clinical Director of "Aware", an organisation for Depression and Bipolar disorder providing services across the Republic of Ireland. She is also a Consultant Clinical Psychologist with the Ministry of Justice, UK. 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 former 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 a 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, Director of HR for BBC (NI) and a Fair Employment Commissioner. Ruth has held appointments as a NI Judicial Appointments Commissioner; Civil Service Commissioner; Independent Assessor for Public Appointments; a non-executive Director of both the Northern Ireland Prison Service and the Regulation and Quality Improvement Authority; Board member of Business in the Community and member of the Council of Ulster University. She is currently a member of the Legal Services Civil Appeal Panels, a panel member for Police Misconduct Hearings and member of the Mental Health Review Tribunal. Ruth was appointed in April 2019 as a non-executive Director to the Board of the Western Health and Social Care Trust.

Professor Duncan Morrow is an academic in the Ulster University where he is Director of Community Engagement. Until 2012 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. Professor Morrow was also a Sentence Review Commissioner for Northern Ireland until 2017. 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 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 a Board Member of a number of voluntary sector organisations. She is a former Vice-Chair of Community Housing Association 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 her 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.



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