



Parole Commissioners for Northern Ireland



Annual Report
2014 - 2015

COMMISSIONERS FOR NORTHERN IRELAND

ANNUAL REPORT 2014/15

Report for the year end 31 March 2015

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.

on

Friday 26 June 2015

**OGL**

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Any enquiries regarding this document should be sent to us at

Parole Commissioners for Northern Ireland
Linum Chambers
2 Bedford Square
Bedford Street
Belfast
BT2 7ES

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Parole Commissioners
for Northern Ireland

Mr David Ford MLA
Minister of Justice
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Dear Minister

I am pleased to send you my Annual Report on the work of the Parole Commissioners for the year 2014/15.

The year saw a further increase in our workload, although at 6.5%, the rise was more modest than in previous years. It is notable that the Commissioners dealt with the increase without additional resources and that overall our output in terms of cases completed rose by 13%. The trend of increases to the number of oral hearings requested continued with a rise here of 28.5%. Notably, Commissioners released 99 prisoners this year – up from 71 last year. The number of prisoners recalled to prison has stabilised with only one more such recall request this year.

The Memorandum of Understanding with the sponsors was agreed last year and I am happy to report that the relationship between us has been professional and appropriate this year. I am grateful to staff in the Courts and Tribunals Service for their support especially in seeking to ensure that Commissioners were properly funded to fulfil our statutory functions.

The economic climate is challenging for us all and Commissioners have reviewed our processes and tried to find ways to work as efficiently and effectively as possible. The report sets out the actions we have taken here. It is difficult to see what else can be done unless the Parole Commissioners' Rules are changed to allow us more flexibility in managing our processes. We will of course continue to do all we can to work as efficiently as we can, provided that we can continue to ensure our high quality standards are maintained. We recognise that we are dependent on other agencies for risk assessments and risk management and hope that it will be possible to continue to deal with our cases on time with the highest attention both to public protection as well as to rehabilitation.

I commend this report to you.

Yours sincerely

Christine Glenn
Chief Commissioner

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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 2008,¹ 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

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.



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- 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 Commissioner to act on the Chief Commissioner's behalf if 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;
- 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 year, the overriding priority for the Commissioners has been to find more efficient ways of working without affecting the quality of our decision-making. All public bodies have had to respond to the fiscal realities and the Commissioners started the year by dedicating the majority of the annual training

event to this topic. The statutory framework means that some ideas are off limits but - as can be seen in the statistics below - the Commissioners not only dealt with a further increase in workload with fewer overall resources but also increased output by dealing with a much higher number of cases.



Workload

This year the workload has increased 6.5% on last year seeing an increase in referrals from 580 to 618. Those cases referred under the Criminal Justice (NI) Order 2008 ("CJO 2008") continue to rise although at a much slower pace than previously seen.

The number of referrals received was up 6.5% during this reporting period. Of the 618 referrals, 11.3% related to life sentenced prisoners, 32.4% to public protection sentenced (PPS) prisoners and the remaining 56.3% were related to DCS prisoners. It is interesting to note that this year the proportion of the overall work regarding DCS cases has fallen from 62%. The reason for this is not yet clear but will be kept under review.

It is of particular note that the output of the Commissioners in terms of completed cases has risen by 13%.

164 cases were completed at single Commissioner stage compared to 176 last year - a 6.8% decrease. 79% of the DCS cases dealt with in year completed at this stage

compared with 18.7% of life and PPS cases. The large variance can be accounted for due to the differences in the legislative rights to a hearing for the latter category and the ability of the single Commissioner to direct release in DCS cases.

As expected, there has been a rise of 28.5% in requests for oral hearings relating to DCS prisoners (an additional 14 cases). This can be attributed to the Osborn Booth Reilly judgement which led to the narrowing of the reasons to refuse an oral hearing.

213 panel hearings were convened, a 24% increase on last year. There has been a 103% increase in the number of oral hearings granted in DCS cases, again due to the narrowing of reasons to refuse these requests following the Supreme Court judgment in Osborn Booth Reilly. 10 cases have been adjourned for various reasons including the requirement for additional reports, more work to be done with the offender and a small number of logistical difficulties.

There has been a notable increase in the number of

prisoners released during the year - 99 prisoners released in comparison to 71 in the previous year, an increase of 39.4% on the previous year. This must be seen in the context of the recall rate remaining relatively stable.

Requests for recall have remained almost static with only 1 additional request referred against last year's figure. Of the 195 requests received, only 7 recommended that the prisoner not be recalled.

893 provisional directions/ directions, single Commissioner decisions, panel decisions, pre-tariff recommendations, licence consultation/ variation/ cancellation recommendations and recall recommendations have been issued in the period.



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Key Statistics

The upper limit of the Sentencing Framework Implementation Programme (SFI) for referrals has again been exceeded, this year by 52%.

618

New referrals
received - up 6.5%

629

cases were completed.
8.3% - life sentence
cases; 34.2% - ICS/
ECS; 57.5% DCS cases.

164

cases completed at single
Commissioner stage compared
to 176 last year – a 6.8%
decrease.

213

panel hearings 24%
increase on last year.

99

prisoners released.

195

requests for recall. Only 7
were not recommended.



Referrals				
Article	2012/1 3	2013/1 4	B/F	2014/1 5
6	41	43	29	42
7(2)	0	0	0	0
8(3)	10	8	0	5
9(1)	4	1	0	5
9(4)	10	1	1	4
18^	56	93*	59	99
24(5)	16	12	0	38
28(2)(a) ECS/ICS	15	16	0	32
28(2)(a) DCS	173	179	0	158
28(4) ECS/ICS	13	7	5	25
28(4) DCS	128	160	49	151
29(6)	13	27	6	39
46(3)	12	23	6	20
Totals	491	580	157	618

* Includes 2 cases referred under the Criminal Justice (Children) (Northern Ireland) Order 1998.

^To note that Art 18(5) has been amalgamated with Art 18 as they were incorrectly referred

Cases Completed				
Article	2012/13	2013/14	2014/15	C/F
6	24	45	40	31
7(2)	0	0	0	0
8(3)	9	9	5	0
9(1)	4	1	5	0
9(4)	16	5	2	3
18^	49	71*	107	47
24(5)	17	12	36	2
28(2)(a) ECS/ICS	15	16	32	0
28(2)(a) DCS	173	179	158	0
28(4) ECS/ICS	9	18	18	12
28(4) DCS	113	160	167	32
29(6)	9	21	37	7
46(3)	13	18	22	4
Totals	451	555	629	138

* Includes 1 case referred under the Criminal Justice (Children)(Northern Ireland) Order 1998

^ To note that Art 18(5) has been amalgamated with Art 18 as they were incorrectly referred



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Cases Withdrawn/ No jurisdiction			
Article	2012/13	2013/14	2014/15
18	2	2	4
28(4) DCS	0	3	1
29(6)	1	1	1
46(3)	0	2	2
Totals	3	8	8

Cases Completed at single Commissioner stage			
Article	2012/13	2013/14	2014/15
6	10	8	8
9(4)	7	0	0
18^	8	17	19
28(4) ECS/ICS	4	5	5
28(4) DCS	97	127	108
29(6)	9	19	24
Totals	135	176	164

^ To note that Art 18(5) has been amalgamated with Art 18 as they were incorrectly referred

Cases Referred to Panel			
Article	2012/13	2013/14	2014/15
6	4	12	8
9(4)	3	0	1
18^	2	8*	13
28(4) ECS/ICS	2	0	2
28(4) DCS	2	13	8
29(6)	0	5	3
Totals	13	38	35

* Includes 1 case referred under the Criminal Justice (Children) (Northern Ireland) Order 1998

^ To note that Art 18(5) has been amalgamated with Art 18 as they were incorrectly referred

Oral Hearing Requests Art 28(4) DCS & 29(6)						
Article	2012/13		2013/14		2014/15	
	Refused	Granted	Refused	Granted	Refused	Granted
28(4)	23	15	18	28	1	48
29(6)	0	3	1	2	1	13
Totals	23	18	19	30	2	61

Panel Hearings conducted			
Article	2012/13	2013/14	2014/15
6	20	37	35
9(4)	13	11**	6**
18^	47	62~	85
28(4) ECS/ICS	5	13	15
28(4) DCS	14	40	56
29(6)	2	9	16
Totals	101	172	213

* Excludes multiple hearings in same case(s)

** Includes multiple hearings in same case(s)

~ Includes 2 hearings for 1 case referred under the Criminal Justice (Children)(Northern Ireland) Order 1998

^ To note that Art 18(5) has been amalgamated with Art 18 as they were incorrectly referred

Release Decisions			
Article	2012/13	2013/14	2014/15
6	6	9	13
9(4)	4	2	0
18^	9	15*	25
28(4) ECS/ICS	4	5	9
28(4) DCS	20	31	46
29(6)	3	9	6
Totals	46	71	99

* Includes 1 case referred under the Criminal Justice (Children) (Northern Ireland) Order 1998

^ To note that Art 18(5) has been amalgamated with Art 18 as they were incorrectly referred



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No recommendations for further review			
Article	2012/13	2013/14	014/15
6	0	0	0
9(4)	0	0	0
18^	15	8	25
28(4) ECS/ICS	2	4	2
28(4) DCS	60	93	87
29(6)	5	14	14
Totals	82	119	128

^ To note that Art 18(5) has been amalgamated with Art 18 as they were incorrectly referred

Recalls						
Article	2012/13		2013/14		2014/15	
	Recall	Not Recalled	Recall	Not Recalled	Recall	Not Recalled
9(1)	2	2	1	0	5	0
28(2)(a) ECS/ICS	11	4	17	1*	30	2
28(2)(a)DCS	143	30	167	12	153	5
Totals	156	36	185	13	188	7

* Includes 1 case referred under the Criminal Justice (Children)(Northern Ireland) Order 1998

Recommendations on Licence Conditions					
Article		2012/13	2013/14	2014/15	
8(3)	Condition(s) Cancelled	3	6	4	
	Condition(s) varied	6	1	1	
	Condition(s) not varied	0	2	0	
24(5)	Consultation	16	10	21	
	Condition(s) varied	1	2	14	
	Condition(s) added to licence	0	0	3	
Totals		26	21	43	



Protected Information Cases

The Commissioners completed two cases involving protected information in the last year. By their very nature these types of cases are extremely complex and fall outside the normal timetables set out in the Parole Commissioners' Rules 2009. Because the information is ordinarily, but not always, concerned with national security issues the prisoner is unable to have sight of the information. In these circumstances the Commissioners are required to

review the gist of the information provided to them and the prisoner and make a decision on whether there is enough specificity in it to allow the prisoner to make representations. The Attorney General is invited to appoint a Special Advocate who will act in the interests of the prisoner in relation to the protected information. The Special Advocate may only directly correspond with the prisoner before he/she views the information. A panel of

Commissioners will then be involved in a number of direction hearings to establish the timetable for the consideration of the case and will conduct a series of open and closed hearings until such times as a decision can be made. The Commissioners will make their decision based on the statutory test of whether the prisoner poses a risk of serious harm/harm and whether that risk can be safely managed in the community.

Process Improvements

A lot of work was done over the year to improve our processes to increase efficiency. Staff and Commissioners contributed their ideas and we have been able as a result to make some fundamental changes. Some of these relate to staff - we have re-organised our teams so that the workload is handled seamlessly and economically. Our listing processes for oral hearings have also been revolutionised and this has been a key factor in the Commissioners being able to continue to deal with our cases on time.

An electronic case management system has been in development for over two years now. There are still some tweaks to be made to the system but it is functional and a vast improvement on the laborious manual system of data collection that has been the norm for the Secretariat staff.

The statutory framework which governs us gives little leeway for major change. However, this

framework does not apply to Determinate Custodial Sentence prisoners and we now deal with oral hearings in these cases with only two Commissioners, following a successful pilot. This change has produced significant savings of approximately £22k during this reporting year. We have also piloted hearing two such cases in one day where possible and again this has worked well. Unlike the Parole Board in England and Wales, the timing of referrals of our caseload will not necessarily enable us to hear more than one case - but where we can and where this will not result in delay, we intend to continue with this new process. It is to be hoped too that progress can be made to implement changes to the Parole Commissioners Rules. Discussions on such change have been ongoing for some years now and it would be helpful for this to be finalised as soon as possible.

The Commissioners' Secretariat will be moving in June 2015 to discrete accommodation in

Laganside Courthouse. This move will provide Northern Ireland Courts Service with significant long term savings. At a time of fiscal challenge, it is right that we take such actions to ensure that proper funding is available to deal with the core business.

During the year, the Department of Justice made the decision to limit legal representation in oral hearings and increasingly the representative is a member of prison or departmental staff. This has resulted in the Commissioners taking a more inquisitorial role in proceedings in many cases. This is a big change but so far this new way of managing the hearing has not caused any major problems. It will be important for the new departmental representatives to understand their role and also to ensure that the right witnesses are available to inform the Commissioners of all risk issues.



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Stakeholder Engagement

Communication and engagement with external stakeholders has continued to be a priority. In addition to regular meetings with the Director-General of the Prison Service and the Acting Director of Probation, we took part in an inter-agency workshop to look at better ways of working in regard to recalled prisoners, especially in the light of the increasing prison population. This event arose out of discussions with the Director General and proved an excellent opportunity to share issues and to try and devise innovative solutions. It was attended by David Ford, our Minister, and I am grateful to him for his continued support. A number of small working groups were set up to take forward an agreed work programme after the event.

I must however report that the User Group proved less effective this year despite the efforts of its Chair, Anne Fenton. A number of meetings were cancelled due to low levels of attendance despite the timings of meetings being altered to assist members. The group did meet in February and I hope that this year's problems prove to be a blip as Commissioners very much value the opportunity to hear and respond to stakeholder issues.

I was invited to make a presentation to the Belfast Solicitors Association and the Head of Operational Delivery and I enjoyed explaining the work of the Commissioners and how solicitors could best assist their clients at the event.

I was also invited to write an article for the American Probation and Parole Association journal this year. Given the title of the organisation, I invited Cheryl Lamont, the Acting Director of Probation to co-write the piece which explained our work and also how the system worked in Northern Ireland. There was much interest from the United States in our practice and we were asked to speak at an international conference in Los Angeles in June. However, in the light of the economic strictures, neither of us felt it would be right to seek to attend. It is however still useful that practice in Northern Ireland is seen as an exemplar for other countries in this field.



Commissioners



Commissioners attending Annual Plenary

This has been a settled year with no new appointments and no retirements although I am sorry to report that Derek Rodgers has been unwell and is taking a leave of absence. I hope very much that he will be better very soon.

We introduced a new appraisal scheme this year and successfully completed the

appraisals by the end of March. Again, we tried to minimise the cost of this process with the scheme based on completion of a self-assessment form with the amount of work completed and any judicial reviews or complaints being taken into account. Discussions with Commissioners were done by telephone which meant that there

was no additional expense such as travel. The process went well. Using information provided by Commissioners, we now have information about development and training needs which will be used in planning future events. Commissioners demonstrate a high degree of commitment and expertise in all they do and I thank them for their contribution.

Terms and Conditions Review

Commissioners' terms and conditions were reviewed almost 3 years ago. That review set designated amounts for each type of casework and Commissioners were no longer able to claim for travel time or for time spent on administrative work which included keeping up to date on policy and practice and commenting on judicial reviews despite time taken. The Criminal Justice Inspectorate commented favourably on the improvements in cost per case in the follow-up report on the Commissioners in 2014. The Report stated that "the increased caseload - the reduced unit cost and a fall in other

expenses signalled increased efficiency. This is a welcome improvement and perhaps most significantly the average unit cost was within £500 of the unit cost for England and Wales, despite their benefitting from economies of scale that are not possible in the Northern Ireland scenario".

The 2012 review was dubbed an interim review at the time by the Department of Justice and I have pressed for over a year for any new review to take place in time for it to be completed in time for any necessary recruitment to fill vacancies which might follow. It takes about nine months to

recruit, appoint, security clear and train new Commissioners so time factors were important. The review was finally announced on 24 March 2015 and is being carried out by an independent consultant. All Commissioners are serving until 8 September 2015 and it seems most unlikely that the review and any recruitment exercise will be carried out in time for this deadline. It is regrettable that this delay brings such uncertainty and also a real risk to the business continuity of the important work that Commissioners undertake.



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Secretariat

In July 2015, the Secretary to the Commissioners, Moya Cushley left to take up a new role with the Departmental Solicitors Office. Moya had been with the Commissioners for nine years and had expertly managed many changes both of policy and personnel. We chose not to fill the post immediately and

the role has been shared by the two Deputy Principals. Both have risen to the challenge magnificently and I know I speak for all Commissioners when I thank them and all the staff for the excellent service we are provided. Work has, as stated above, continued to increase but our staff have delivered well

without additional numbers. On behalf of the Commissioners, I would like to express gratitude and appreciation for all their considerable efforts.

Governance

We agreed a Memorandum of Understanding (MOU) with the Courts and Tribunals Service and I am pleased to report that this has resulted in much improved relationships between us. The process of examining the proper lines of accountability required in agreeing the MOU was immensely useful in developing a much better understanding of our

respective roles. We are looking to review the MOU in the coming year to ensure that it remains fit for purpose. I would like to thank the NICTS for the way it has supported the Commissioners in achieving a more realistic budget settlement for the coming year. As we hope to become a closer part of the judicial family in future by inclusion in

Schedule 1 - a change advocated by the Lord Chief Justice and the Commissioners - it is encouraging that these important governance issues have been successfully tackled. It would be helpful for a similar MOU to be developed with the Department of Justice to regulate the matters that remain part of their responsibilities.

Judicial Review and Legislation

Whilst there have been a number of pre-action challenges against the Parole Commissioners this year, all matters were resolved to the satisfaction of the parties without reference to the Court system. It is to the credit of the Commissioners that the decisions that they have taken over the past year have not resulted in any judicial review challenges.

An increasing trend in challenges against the Northern Ireland Prison Service in relation to the provision of offence focused programmes led to the Parole Commissioners being cited as a party to the proceedings. As the

Commissioners are statutorily obliged to make their decisions on the basis of the information provided to them and have no authority over the Prison Service, the Commissioners were released from the Judicial Review proceedings.

The amendments to the Parole Commissioners' Rules 2009 were not laid in January 2015 as expected. Although we are disappointed in the lack of progress in this area, we are making good use of the opportunity to focus on achieving efficiencies for all parties concerned, including the prisoner,

and ensuring that the Rules adequately provide for a proper and legal process going forward.



Going Forward

In the coming year, we plan to build on our stakeholder engagement. We want to have a forum to engage with barristers and we also intend to engage with prisoners so that we can take account of their needs and views. We are preparing a Best Practice Guide for Oral Hearings for Commissioners as part of an ongoing project to improve practice and effectiveness of these cases. In the coming year we hope to develop a stakeholder guide. As oral hearings now represent such a large part of our work, it is important that we continue to make them as efficient and effective as we can.

The economic situation has resulted in both prisons and probation having to make significant changes to stay within their respective budgets. As

Commissioners, we are reliant on these services and we have asked senior managers of both to inform us at our annual training event in April 2015 what we can realistically expect in the future. We will try our best to work within the strictures placed on us but must fulfil our statutory role which is to make risk assessments involving the release and recall of prisoners with due regard to public protection while taking into account the rehabilitation of the prisoner. Emerging jurisprudence both in England and Wales and in Europe has focussed on the reasonable expectation of prisoners, for example that adequate programmes are provided for rehabilitation during the currency of their sentences.

It is early days but I do have some concern that prisoners may serve longer in custody if

we do not have evidence that risk has been reduced and we only have to look at the position in England and Wales to see how much public money has been spent on claims for costs and compensation for delay and lack of programme provision. In Northern Ireland, we have all coped with the huge impact in oral hearings following the Osborn, Booth, Reilly case and there has been no delay in dealing with cases despite the increase in work. I fear that the new developments may result in more cases being adjourned with the consequential impact on cost and more importantly the liberty of the subject.



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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.

During the period of this report; the Commissioners' Secretariat has occupied accommodation on the 9th floor of Linum Chambers, Bedford Square, Belfast.

Expenditure incurred by the Department of Justice in providing for the work of the Commissioners in the year ending 31 March 2015 is detailed below:

	2010/11 (£000)	2011/12 (£000)	2012/13 (£000)	2013/14 (£000)	2014/15 (£000)
Commissioners' Remuneration	527	607	689	896	927
Commissioners' Travel, Accommodation and Expenses	59	46	37	65	76
Legal Costs	0	62	86	105	22
Premises	179	207**	188	137	187
General Administration	166*	94	72	111	91
Staff Salaries	399	427	431	551	530
Total Expenditure	1,330	1,443	1,503	1,865	1,833

- *includes the cost of refurbishment of the new accommodation
- ** includes costs for Windsor House

APPENDIX A - Commissioners' Profiles

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.

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.

Commissioners from a Legal Background

Justice Teresa Doherty CBE was a barrister. She was formerly a member of the Lord Chancellor's Advisory Committee of JP's, is a part-time Chairperson of the Social Security Appeals Tribunal and also held the positions of Principal Magistrate and Judge of the National and Supreme Court of Papua New Guinea and of the Court of Appeal and High Court of Sierra Leone. In January 2005 she was appointed by the United Nations as a judge of the 2nd trial chamber of the Special Court for Sierra Leone (the international war crimes tribunal for Sierra Leone) and to the Residual Special Court of Sierra Leone in 2013. She is a Visiting Professor at the University of Ulster and Adjunct Professor at University of Cork.

Judge Derek Rodgers qualified as a solicitor in 1973 and was appointed as a District Judge in 1989 and a County Court Judge in 1997. He is a member of the Legal Advisory Committee of the Church of Ireland and Chancellor of the Diocese of Connor. He holds positions with a number of voluntary organisations.

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.

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

Mr Paul Mageean qualified as a solicitor in 1991 and was originally in private practice. In 1995 he



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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.

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 Roads Service's panel of independent Public Inquiry Inspectors.

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 in 2010. In 2007 she was appointed a part time Legal Chairman of the Northern Ireland Valuation Tribunal.

Judge Tom Burgess CBE was educated at Queen's University, Belfast. He was admitted as a solicitor in 1968 and was appointed President of the Law Society in 1987. He was leader of the UK Delegation to the European Bar from 1989-1992. He was appointed as a Deputy County Court Judge in 1988 and sworn in as a County Court Judge in 1992. Judge Burgess was Recorder of Londonderry from 1995 until 2003. Judge Burgess was appointed as Recorder of Belfast in March 2005. He was appointed as the Presiding judge on 3 April 2006. He retired in September 2012 and appointed Deputy High Court Judge in November 2012.

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 recently 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 managed a grant-giving programme (Awards for All) in the charity and voluntary sector in Northern Ireland from 1998 until 2001. She was a solicitor at Law Centre (NI) from 2001 until 2010. She has been a part-time 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 also acts as a lay member for the Northern Ireland Medical and Dental Training Agency.

Mrs Marian Killen was admitted as a solicitor in 1978 and took up her current post as Assistant Crown Solicitor in 2007. She sits as a Deputy District Judge (civil) in the County Court and a Deputy Master in the High Court. She is a member of the Law Society's Advanced Advocacy Working Party, the Law Society's Contentious Business Committee, the Chancery Liaison Committee and the Queen's Bench Liaison Committee. She has also trained as a Mediator and is a Solicitor Advocate.



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.

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 recently been reappointed to the Guardian Ad Litem Solicitor Panel in Northern Ireland. 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 is also a past Deputy Chairperson of the National Health Service Tribunal. He was a consultant trainer to the Inns of Court School of Law in London and is presently a non-Executive Director of a legal training company.

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. He has also been a Sentence Review Commissioner since 1998.

Professor Peter Hepper is a Professor of Psychology and Director of Research at Queen's University of Belfast. He has previously served as: Head of School, School of Psychology, Queen's University Belfast; Chair of the Irish Football Associations 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.

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 a former accredited Behavioural Investigative Advisor of the Association of Chief Police Officers (ACPO). 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



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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.

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 with Priory Health Care specialising in forensic learning disability and acquired brain injury and specialist forensic psychologist in forensic mental health. She is currently working as a consultant in the High Secure Estate in England, as an independent trainer and a practitioner psychologist. She is doing a PhD in assessment of risk of violence in older prisoners. She is also active in committee roles with the BPS Division of Forensic Psychology and is the editor of book reviews for Forensic Update.

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 20 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. Mrs Hunt has been working as an expert witness in criminal and family proceedings for 10 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 Jacqueline (Jackie) Withers has over 20 years' experience as a Chartered Psychologist. She is an experienced clinician, trainer, supervisor, manager and researcher. Jackie is dual registered as a Clinical and Forensic Psychologist. She has a wide range of clinical experience and has worked across several specialties including adult mental health, HIV/AIDS, addiction and forensic client groups as well as across a range of settings, e.g. community, day programmes, inpatient and low, medium and high secure facilities. She has extensive experience in assessing and treating victims and perpetrators. Jackie is also a Psychotherapist and has completed substantial further post qualification training e.g. Cognitive Therapy, Dialectical Behaviour Therapist, and Cognitive Analytic Therapy (Practitioner, Psychotherapist, Supervisor and Trainer, & is UKCP registered) and she has completed further training in EMDR, group analytic, psychoanalytic and systemic approaches. She has also trained as an Organisational Consultant and an Expert Witness.



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. She holds a Master of Arts in Criminology.

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 a member of the Council of the University of Ulster; and an Independent Assessor for Public Appointments in Northern Ireland. With effect from 1 April 2015 she will take up appointment as a Panel Member of the Civil Legal Services Appeal Panel. Ruth was made a CBE in the 2012 Queen's Birthday Honours List for public and voluntary services in Northern Ireland.

Mr Stephen Leach CB is a retired senior civil servant. He was Director of Criminal Justice in the Northern Ireland Office and Chair of the Northern Ireland Criminal Justice Board from August 2000 until the start of 2009. Before that he held a range of other posts in the NIO and other Departments. He has been a Non-Executive Director of the Northern Ireland Health and Social Care Board since April 2009, a lay Member of the National Security Certificate Appeals Tribunal for Northern Ireland since April 2012, and a Commissioner in the Criminal Cases Review Commission since April 2014.

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.



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Mr Thomas Craig is a retired Assistant Chief Constable with over 35 years' experience of policing in Northern Ireland. Latterly he was appointed Regional Commander of South Region in 1998 and had previous experience in a number of headquarter support roles.

Dr Duncan Morrow is an academic in the University of Ulster currently developing engagement with communities and stakeholders as part 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. A native of Belfast, he is married with three teenage children.

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 in Antrim. He formerly taught Medical Ethics and Law at the University of Ulster as a visiting Professor until retirement from that position in 2015. In addition, Dr McGrath serves as Chairman of the Northern Ireland Association of Forensic Medical Officers and in 2006 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 Trustee 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 registered social worker. She has previously worked as both a Senior Probation Officer with the Probation Board for Northern Ireland and as a lecturer in Social Work at Queen's University Belfast. She is a Lay Magistrate and 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.


APPENDIX A - Commissioners' Remuneration

Remuneration Band	Number of Commissioners
£0.00 - £5,000	2
£5,001 - £10,000	4
£10,001 - £15,000	7
£15,001 - £20,000	8
£20,001 - £25,000	8
£25,001 - £30,000	6
£30,001 - £35,000	1
£35,001 - £40,000	2
£40,001 - £45,000	0
£45,001 - £50,000	1
£50,001 - £55,000	2



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Parole Commissioners for Northern Ireland
Linum Chambers
2 Bedford Square
Bedford Street
Belfast
BT2 7ES

Telephone: 02890 545900
Fax: 02890 545915
Email: info@parolecomni.x.gsi.gov.uk

www.parolecomni.org.uk

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