

Statement to Parliament: Secretary of State's oral statement on Transparency of the Parole Board and Victim Support

With permission, Mr Speaker, I should like to make a further statement on the Parole Board's decision to release John Worboys and the government's response to the issues raised by this case.

I know that the victims of these horrific crimes have suffered significant emotional trauma. The prospect of the release of this man is deeply concerning to them, to many members of this House and to the wider public. I believe that I owe it to those victims and to the public to consider all the options open to me as Lord Chancellor and Secretary of State for Justice.

I therefore took the step of seeking legal advice, from specialist Leading Counsel to establish whether there were grounds to challenge this decision in the courts and, therefore, to ask the court to stop the release of Worboys before the decision was reconsidered.

Let me set out my approach to Judicial Review in general. Whatever one's personal feelings about a case, Ministers should not choose to bring a legal challenge that has no reasonable prospect of success. But it is right that public bodies can be held to account for their actions through due process of law – and, specifically, Judicial Review.

There has been significant public debate about the possible basis for a legal challenge in a case such as this. It has been speculated that there are two grounds open to me to challenge such a decision: that a decision was one that no Board could reasonably have taken; or that there were significant procedural failings in the way that that decision was taken.

The bar for a judicial review to succeed is very high. The test for deciding if a decision is unreasonable is not simply that the decision maker – in this case, the Parole Board – could have made an alternative decision – but that no reasonable person would have come to the same conclusion on the facts of the case.

Similarly, on procedure it would be necessary to identify a failing to follow that process by the Parole Board that would have had a material impact on the decision.

Having taken considered and expert legal advice I have decided it would not be appropriate for me as Secretary of State to proceed with such a case. Honourable members will appreciate that I cannot go further and expose detail of the legal advice I have been given.

I know this will disappoint the victims in this case and Members of this House. Given the crimes for which he has been convicted, on a personal level,

candidly I share those concerns.

I have taken a close personal interest in this case since assuming office as the Secretary of State for Justice. I believe it is important that all of the victims have clarity as soon as possible which is why I am before the House today.

I can reassure the House, and the public, that Worboys will not be released until his licence conditions have been finalised. I understand that contact and meetings with victims who have chosen to receive the services of the Probation Victim Contact Scheme have taken place this week, and further meetings about his release will take place next week.

This will have given those victims the opportunity to make representations to the Parole Board as to the conditions to which Worboys should be subject on release.

Let me be absolutely clear, Worboys will not be released until their representations have been properly considered and his licence conditions are in place. Indeed last week I asked for assurances that the views of victims were being taken into account and that robust licensing conditions would be put in place to manage his risk. I am aware that some third parties have indicated they are seeking to bring legal proceedings themselves, and that correspondence has been served on me, as Secretary of State, as a potential "Interested Party" to any litigation.

I fully support the right of victims to take their own legal advice and to challenge the decision. The approach I am taking does not mean that others, who may have significant interest in the case, are precluded from taking action. Each case depends on the circumstances of each individual bringing a claim.

And that is one of the reasons I do not intend to say more on this matter. I would not want to prejudice any legal challenges by commenting further on the facts of the particular case or the legal advice I have received. I will be taking advice on how my department should consequently engage in any proceedings, but it would not be appropriate to comment further at this stage.

It is vitally important that the public and victims have confidence in the justice system that is there to serve them. And this case has exposed some issues with the parole process as a whole. I have already indicated that aspects of the parole process more generally should be examined.

In my statement on the 9 January I said that my Department would review the case for transparency in the process for parole decisions, how victims are communicated with and how they are appropriately engaged in that process.

I now believe that this review should go further. I have therefore expanded the [terms of reference](#) of the review to include consideration of the law, policy, guidance and practice relating to challenges to Parole Board decision-making. I have published these today and have placed a copy in the

House library.

In particular, I have expanded the review to include whether there should be a mechanism to allow parole decisions to be reconsidered and how that might be best achieved whilst retaining the independence of the decision making process.

This review remains a priority for me and for government and, despite this significant expansion of the terms of reference, I intend to complete that review before Easter.

I also acknowledge the concerns that the Victim Contact Scheme, operated by the National Probation Service, may not have worked as well as it should have in this particular case.

It is right that as well as looking at the process around parole decisions for all cases that we consider whether existing processes were followed in this instance.

I have therefore asked Dame Glenys Stacey, HM Chief Inspector of Probation, to conduct a rapid fact-finding exercise to confirm whether the legislative provisions, existing policy and processes relating to victims were adequately followed by the National Probation Service in this case. Her findings will inform the wider review. Mr Speaker, as I have said, I know Members of the House are concerned about this case and about how we deal with the release of offenders. I hope that this has reassured honourable members of the thorough and careful consideration I have made of this difficult case and that we are now giving serious and urgent consideration to ways in which the process can be improved that reassures not only victims of these terrible crimes but the wider public.