

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.

[Press release: Parole Board welcomes independent review of victim contact and extended terms of reference for review of parole processes](#)

The Parole Board notes the Secretary of State for Justice's decision not to proceed with Judicial Review proceedings. We are glad that the Secretary of State agrees with our suggestion for an independent review on victim contact in the case of John Worboys.

We also welcome the expanded the terms of reference for the Ministry of Justice's review of the parole process to include victim communication, transparency, and how Parole Board decisions could be reconsidered.

We think this is a sensible course of action to take to make sure that the public and especially victims have confidence in the Parole Board's work.

Justice needs to be seen to be done and the Canadian model for victim contact could provide a good starting point.

[News story: CC Haulage & Sons Ltd to pay £109,000 for dumping on Devon farms](#)

A Devon haulage and site clearance company faces a bill of more than £100,000 for dumping thousands of tonnes of soil and stone on farmland. The case was brought by the Environment Agency.

CC Haulage & Sons Ltd is a family owned and run company based at Manor Farm, Colebrooke, Crediton. The two directors are Colin Clarke and his wife, Deborah Clarke.

Farmers are allowed to accept up to 1,000 tonnes of non-hazardous waste including soil and stone under a permission known as an 'exemption' that is commonly used on farms to construct hard-standings, bases for buildings and tracks and doesn't need an environmental permit.

In November 2016 the Environment Agency visited Beech Down Farm in Tedburn St Mary where waste was being tipped in a valley. Inquiries revealed that CC Haulage had deposited 7,820 tonnes of waste at the farm. Excessive quantities of waste, much of it from building and construction sites, had also been tipped at 3 other Devon farms at Longdown, Exeter, Yeoford and Crediton.

The offences came to light after the Environment Agency examined waste transfer notes that identified CC Haulage as the source of the excessive amounts of waste material. The company benefitted financially by paying the farmers less to accept the waste than it was charging its clients to take the material away.

The firm's defence said CC Haulage believed the farmers had the necessary permits to accept the waste, but admitted the company should have checked.

Richard Cloke of the Environment Agency said:

Haulage businesses must ensure they comply with the limits and conditions of environmental permits and exemptions.

These are in place to stop the illegal deposit of waste, protect the environment and create a level playing field for the waste

industry.

Appearing at Exeter Crown Court, CC Haulage & Sons Ltd was fined £14,000 and ordered to pay £5,000 costs. Judge Geoffrey Mercer also imposed a £90,000 Proceeds of Crime confiscation order at the sentencing hearing on 15 January 2018. The company must pay back this figure from the profits it made from its criminal activities.

Judge Mercer said: "It is not entirely clear to me how the company were unclear about the limits."

Press release: HM Courts & Tribunals Service launches project to promote press access to courts

Bringing together representatives from HMCTS and across the media, the group will develop new ways to build strong relationships between media organisations and their local courts and improve and promote the existing guidance to staff relating to media access. They will also explore how transparency and openness are embedded into HMCTS' £1bn reform and modernisation of courts and tribunals. The changes introduced through digital reforms will mean there are many more ways to access justice without the need to travel and physically attend court. For cases that do need to go to court, there will be more modern and well-connected courtrooms.

The group – which will make recommendations to HMCTS CEO Susan Acland-Hood – will include representatives of the Society of Editors and the News Media Association, and the Judicial Office, and will be chaired by Ed Owen, the Head of Communications for HMCTS.

Susan Acland-Hood, CEO of HMCTS, said:

The reporting of court proceedings has long been an important part of maintaining public confidence in our justice system. So its decline in recent years represents a real concern.

I want to ensure that HMCTS is doing all we can to promote media coverage of court hearings as part of our commitment to openness and transparency, and I am pleased that media organisations have joined us to consider this issue together. I look forward to receiving its recommendations.

Ed Owen will launch the initiative at a Society of Editors event today, and

will say that court reporting is vital for democracy and for public confidence in the justice system.

Ian Murray, executive director of the Society of Editors, said:

The Society of Editors is delighted to be involved in this tremendously important work in ensuring open access to the courts for journalists. Nothing can be more important for local communities than to have faith that justice is being delivered fairly on their behalf and that can only be done by reporting court proceedings. The Society is grateful to HMCTS for initiating this procedure.

Santha Rasaiah, legal, policy and regulatory affairs director for the News Media Association, said:

Court reporting is essential to open justice. The NMA warmly welcomes this HMCTS initiative to help the courts and news media, local and national, to work together in furthering and facilitating press access and reporting.

This translates that vital principle into everyday practice, to the benefit of the public that they both serve. It is in itself another example of such constructive co-operation and we are pleased to be working together again.

Note to editors:

The event will include a discussion on how to get reporters back into courts. Panellists include:

- The former Lord Chief Justice, Lord Judge
- Ed Owen
- Ian McGregor, The Society of Editors President and Emeritus Editor of the Telegraph
- John Whittingdale MP
- Ian Murray, Society of Editors Executive Director
- Tristan Kirk, courts correspondent for the London Evening Standard

[Press release: Dedication event for victims of overseas terrorism](#)

Families of those who have lost loved ones in terrorist attacks abroad or

others who have been directly affected are invited to apply to attend the event at the National Memorial Arboretum, in Staffordshire.

The National Memorial to Victims of Overseas Terrorism – entitled Still Water – is dedicated to all British victims of overseas terrorism and will stand to honour any future victims.

Tobias Ellwood, Minister for Defence People and Veterans said:

This memorial is a poignant tribute to British people killed in terrorist attacks abroad and will act as a focal point for remembrance for their loved ones and the whole country.

It is a space for quiet reflection and contemplation and I hope that it will become a place where those who have been affected can come to remember.

I would encourage anyone who has lost a family member in an overseas terrorist incident to apply for a place at the dedication ceremony and join this act of remembrance.

An online consultation for the memorial was launched by Mr Ellwood in January 2016, which sought views from those who had been affected by incidents overseas. In September 2017 it was announced that 'Still Water', by Alison Wilding and Adam Kershaw, had been selected by an independent panel to be the memorial. The work was completed in December 2017 and it is now open to the public.

A limited number of places are available for family members of victims and others who have been personally affected by terrorist incidents abroad at the dedication ceremony on 17 May. Those wishing to attend the dedication ceremony are invited to apply for places by [registering on gov.uk](https://www.gov.uk/register-for-still-water).

Further information on the ceremony will be released in due course.

People interested in attending are asked to apply by 19 February 2018.