JOHN WORBOYS JUDICIAL REVIEW

I have today made a statement to Parliament following the judgment handed down this morning in the judicial review regarding the Parole Board decision to release John Worboys. This case is wholly exceptional, as Sir Brian Leveson noted himself. The judgment has quashed the Parole Board’s decision to release Worboys and found that the blanket prohibition on the disclosure of information relating to Parole Board proceedings is unlawful.

The victims showed astounding courage in bringing this case and I will welcome the judgment. In my statement I will set out, in greater detail than I have previously been able, the reasons why I did not bring a judicial review.

As you know, I looked carefully at whether I could challenge this decision. It would have been unprecedented for the Secretary of State to bring a judicial review against the Parole Board – a body which the law provides is rightly wholly independent of Government and which I am determined should remain so, but for which my department is responsible. I took expert legal advice from Leading Counsel on whether I should bring a challenge. The bar for judicial review is set high. I considered whether the decision itself was legally irrational – in other words, a decision which no reasonable Parole Board could have made. The advice I received was that such an argument was highly unlikely to succeed. And, indeed, this argument did not succeed.

However, the victims succeeded in a different argument. They challenged that, while Ministry of Justice officials opposed release, they should have done more to put forward all the relevant material on other offending. They also highlighted very significant failures on the part of the Parole Board to make all the necessary enquiries and so fully take into account wider evidence about Worboys’ offending.

I also received advice on the failure of process argument and was advised that this was not one that I as Secretary of State would have been able to successfully advance. The victims were better placed to make this argument and this is the argument on which they have won their case.

The Court’s findings do identify serious concerns about how this decision was reached. The Court found that in this case there were failings to undertake basic lines of enquiry into other information about further offending by Worboys and that this would have then provided the platform to probe Worboys’ account of his offending. The Court also raised concerns about the constitution of Parole Board panels and about the way in which they question the evidence and people before them.
These are serious failings which need serious action to address. In these circumstances, I have accepted Professor Nick Hardwick’s resignation as Chair of the organisation. I am also taking the following actions:

- Instructing my officials to issue new guidance that all relevant evidence of past offending should be included in the dossiers submitted to the Parole Board, including possibly police evidence, so that it can be robustly tested in each Parole Board hearing.

- Putting in place robust procedures to check that every dossier sent by HMPPS to the Parole Board contains every necessary piece of evidence – including sentencing remarks or other relevant material from previous trials or other civil legal action.

- Boosting the role of the Secretary of State’s representative at Parole Board hearings – with a greater presumption that they should be present for those more complex cases where HM Prison and Probation Service is arguing strongly against release.

- Working with the Parole Board to review the composition of panels so that the Parole Board includes greater judicial expertise for complex, high profile cases – particularly where multiple victims are involved or where there is a significant dispute between expert witnesses as to the suitability for release.

- And develop more specialist training for Parole Board panel members.

The judgment also found the current blanket ban on the disclosure of information relating to parole proceedings, set out in Rule 25 of the Parole Board Rules 2016, is unlawful. It was my view from the outset that very good reasons would be needed to persuade me we should continue with a law that doesn’t allow for any transparency. I am now considering how the Rule should be reformulated and will bring forward changes as soon as possible after the Easter recess.

The review of the process and procedures that I announced in January also considered whether there should be a mechanism to reconsider parole decisions short of judicial review. I can also confirm that I will consult on proposals for an internal review mechanism where a separate judge-led panel will look again at cases which meet designated criterion. I will bring this forward by the end of April, as well as publishing the full findings of the review.

Further, given the very serious issues identified in this case, I intend to conduct further work to examine the Parole Board Rules in their entirety.

Finally, thank you for your helpful letter of 27 March on the matters raised in your evidence session on parole proceedings and on the aspects of the review into the processes and procedures relating to parole decisions. I will respond in due course.