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Reasons to Doubt: What's the Point of the Miscarriage of Justice Watchdog?

Jon Robins, 'Justice Gap': Just what is the Criminal Cases Review Commission (CCRC) for? The question isn't facetious. For all its problems, the cash-strapped and oversubscribed Birmingham-based miscarriage of justice watchdog seems blessed with a simplicity of purpose. It was set up in 1997 with a single job: to send wrongful convictions back to the Court of Appeal. At least, that's what we thought. Commenting on a government review, the CCRC's new chair Helen Pitcher last month said that the number of cases it referred for appeal 'while clearly very important' should 'not be the be-all-and-end-all'. 'I think perhaps too little attention is paid to the other outcomes of the Commission's work, such as the considerable value we bring to the justice system in the de facto audit of the safety of convictions and correctness of sentences in each case we consider but do not refer…,' Pitcher asserted.

This isn't the first time that the CCRC has sought to resist the idea that it be judged solely on its referrals. In last year's annual report, chief executive Karen Kneller suggested that most applicants were more concerned with waiting times than having their convictions overturned. I have interviewed many applicants and spoken with their families. I can say with confidence that their biggest concern is having their convictions overturned. The recent statements from the group's chair and chief exec need to be understood in the context of what has happened to those referrals. On average the watchdog has sent back 33 cases a year over its 20-year history. Latterly those numbers have dropped off a cliff: just 19 last year and only 12 the year before. Another alarming statistic is the CCRC's success rate. Its 20-year average was 67%, and so more than two-thirds of referrals were overturned; however, as the number of referrals crashed, so has its success rate to just 46% last year. It is those stats that have prompted a fresh outbreak of despair among the small community of campaigners, lawyers and academics that has grown around wrongful convictions. Their concern informed a 2015 House of Commons' Justice Committee's investigation into the CCRC which called on the watchdog to 'be bolder' and led to the formation of an All Party Parliamentary Group on miscarriages of justice chaired by Barry Sheerman MP.

Into this febrile atmosphere comes a new book by Professors Carolyn Hoyle and Mai Sato, Reasons to doubt: Wrongful Convictions and the CCRC. It is a major piece of research. Hoyle, professor of criminology at the University of Oxford, began her study in 2010 and the work draws on analysis of 147 of the CCRC's cases as well as revealing interviews with CCRC members. The authors conclude that the CCRC is 'not a perfect organisation. It has more variability than most applicants would be happy with, it remains a little more cautious in its referrals than it may need to be, it is sometimes too slow and ponderous.' However, they argue 'it is a whole lot better than its predecessor' – C3, the widely discredited Home Office unit. Frankly, that's not a high bar and, having said that, it needs to be noted that in 2017 the CCRC referred fewer cases in percentage terms than C3 in its final years. The book closes with a twin message: 'It would be nothing short of an own goal for critics to fight to remove the commission from our struggling criminal justice system or for the government to fail to fund it adequately for the task at hand.' The book is a vital contribution in shining light on a watchdog that isn't widely understood and yet goes to the heart of the integrity of our justice system. It is depressing that the CCRC's current travails have gone unreported in the national press with one honourable exception, a BBC Panorama investigation last year by the journalist Mark Daly.

Back in 2017 the CCRC celebrated its 20th anniversary. Paul May, who has run campaigns for numerous high profile miscarriages of justice from the Birmingham Six and Judith Ward to Eddie Gilfoyle and Sam Hallam (both of which featured in my book Guilty Until Proven Innocent: The crisis in our justice system (Biteback, 2018)) likened the watchdog to the curate's egg: 'partly excellent, partly abysmal'. That assessment, which featured in an article for The Justice Gap ('Referring cases of wrongful conviction "not the be-all-and-end-all", says CCRC,' Will Bordell, 14 February 2019) is quoted in the book's preface. 'Seven years of criticisms but none founded on empirical research—for there is no such research in existence,' the two authors note. 'Filing this lacuna is the task we set for this book.'

Sometimes the CCRC doesn't help itself. The commission celebrated its 20th anniversary at a conference with a keynote speech by the new Lord Chief Justice. The press weren't invited. The episode is recounted in the book. 'Other journalists who had learnt about the event and asked to attend were, astonishingly, told they were not welcome,' it relates. The episode backfired. Immediately after Lord Burnett finished his address, the CCRC was challenged by one of the few journalists who was there (David Rose) in his capacity as a previous conference chair. The CCRC should have known better and, to be fair, they did set up a stakeholder group promising greater transparency afterwards. I'm on it. It is curious to think that a state-funded watchdog would think it appropriate to exclude the press and revealing that they thought no-one would complain. It was also ironic. The CCRC was set up as a result of journalists campaigning to free the likes of the Birmingham Six and Guildford Four.

Will I Ever Get Out of Here?

The Parole Board is an independent body, which is separate from the government, the Ministry of Justice and the prisons and probation service. The Parole Board's powers are like a court: no one can interfere with the Parole Board's decisions and the Ministry of Justice must comply with them. The Parole Board makes its decisions by carrying out a risk assessment of certain prisoners in order to decide whether they can be safely released. It does this on the basis of information supplied by the prison, Court, probation service, Police and sometimes psychologists or psychiatrists, but makes its own decision.

Is There a Right of Appeal? No one can appeal a Parole Board decision. If the process is not administrated properly, or the decision is unreasonable in law, then a judicial review can be brought by the offender or by the Secretary of State for Justice. This means that the case is reviewed by a judge at the High Court. The Court can't overturn the Parole Board's decision and make its own, but it could decide that the decision or procedure was unlawful and the case would then be referred back to the Parole Board for re-consideration.

What is Parole? Some offenders can be released before the end of their full sentence but are only allowed back into the community if the Parole Board decides they are safe to release. If they are released by the Parole Board, it is on the basis that if they re-offend or break certain conditions that are put on a licence, they can be brought back to prison. This is known as release on licence or getting parole. When an offender is released on a parole licence, they continue to serve the rest of their sentence in the community while being supervised by the probation service. When the Parole Board directs an offender's release, it will also set conditions that are put onto the offender's licence. Each offender will be given a licence with conditions that they must follow and may be recalled to prison if they breach the conditions of the licence. These conditions may restrict someone from going to a particular place or area without permission (known as an exclusion zone), or forbid the offender from contacting a victim. Other conditions will be things like "to be of good behaviour", to report to their probation officer and not to leave the country.

Which offenders are Considered by the Parole Board for Parole? There are two types of prison sentence: a fixed term, also known as a determinate sentence, or an indeterminate sentence. Most fixed term/determinate sentences will not come before the Parole Board, but most indeterminate sentences will. Many determinate sentences mean the offender is automatically released halfway through the period of imprisonment, to serve the rest of the sentence in the community and the case doesn't come to the Parole Board. But in some determinate sentences, the offender has to be considered safe for early release by the Parole Board. These are usually the more serious sorts of offences involving sexual offences or violence. Indeterminate sentences are either life sentences or imprisonment for public protection (IPP). These sentences have a minimum term or tariff, usually fixed by the judge when the offender is sentenced. This is the minimum period of time the offender must stay in prison. The purpose of the tariff is to punish the offender and to act as a deterrent and its length depends on the seriousness of the crime. Some offenders are given a "whole life tariff" as their life sentence. These cases will not be considered for release by the Parole Board.C

When is Someone considered for Parole? For determinate sentences, it will depend on the type of sentence but usually an offender is considered for parole halfway through their sentence. For IPPs and lifers (offenders serving a Life sentence), once the tariff period is over, the law says that the offender can only remain in prison if they are unsafe to be released. The Parole Board will consider an offender for release at the point their tariff ends and at regular intervals after that (at least once every two years). Just because an offender is eligible to be considered for release, it does not necessarily mean that release is likely. If the offender was under 18 when they were sentenced and received a sentence of detention at Her Majesty's Pleasure (a life sentence for under 18 year olds), they may be able to apply to the High Court to have the tariff reduced if they can show that there has been exceptional progress. You should be told if this happens. Where there is a long tariff, the Parole Board is also sometimes asked to assess offenders serving life or IPP sentences to see if they are safe to be moved to an open prison a few years before the tariff expires. The Parole Board makes a recommendation to the Secretary of State for Justice, who then decides whether or not to accept the advice and move the offender if the Parole Board considers him suitable

What are Open Conditions? While offenders are in prison, they will often be given rehabilitation work to assess and try to reduce the risks of them committing offences in the future. As the offender serves the sentence, they will usually be moved from very secure conditions to less secure conditions, depending on their behaviour and risk. Offenders are given a security "category", from A, which is the highest for high risk offenders and those likely to try to escape, through to "D", which is when they can move to open conditions. All offenders will normally be considered for a move to an open prison at some stage, depending on the progress they are making and how they have behaved in custody. An open prison is a less secure prison where offenders can be tested to see how the rehabilitation work they have completed in closed conditions has worked. This means they can be tested in a controlled environment to see if they can be trusted with a little more freedom than they would have in a closed prison, before they are released at a later stage. They are given more freedom and trust than in closed prisons and can apply for temporary visits into the community. These visits are closely monitored by prison and probation staff. Often a lifer or IPP prisoner will spend a substantial period of time in open conditions and may also continue rehabilitation work. Some offenders work in the community while they are in open conditions as well. Decisions on sending prisoners to open conditions are made by the Prison Governor or the Secretary of State for Justice.

How Does the Parole Board Decide who Should be Released? Once the tariff period has finished an offender can only be kept in prison if it is necessary to keep him there to protect the public. Parliament has decided that the Parole Board must only consider whether or not it is safe to release someone. It does this by assessing how likely it is that the offender may commit another serious offence now and whether any risk can be managed in the community instead of in prison. The Parole Board cannot consider whether it thinks further punishment is necessary; it only looks at current risk. How does the Parole Board make its decision? Every case is first considered by a Parole Board member looking at a file of information and reports that provide evidence about the offender, known as a "dossier". The decision will either be made by that member based on the information provided on the papers, or they will decide that the case must be considered at a face to face oral hearing. The Parole Board dossier will include a wide variety of information drawn from a range of sources, including details of the original offence, any previous convictions, behaviour and progress of the offender in prison, details of any courses undertaken during the sentence, and details of the proposed release plan. It will include reports from those who have come into close contact with the offender, including psychologists, probation staff and prison officers. The offender can also put forward their case for release. The dossier tells the Parole Board what has happened during the sentence and the reports from people who have been working with the offender will also provide assessments of their current risk. The Parole Board will look to see what offending behaviour courses or other rehabilitative work an offender has engaged in and decide how that affects the risk. The dossier will also include a Victim Personal Statement if one is made. If a Victim Personal Statement is not made, information about you can be given to us by the probation service. The Parole Board is independent and makes its own decision based on all the information in front of it. Determinate sentenced prisoners can be released on consideration of written submissions (on the papers"), but life sentenced prisoners and IPPs can only be released after an oral hearing. If an IPP or lifer case is going to have an oral hearing it does not necessarily mean that release is likely. The Parole Board will hold oral hearings for a number of reasons, not just because the prisoner may have a chance of release.

What if the Offender Maintains That They are Innocent? If an offender continues to maintain their innocence, the Parole Board must assess whether their risk is still high enough that the public can only be protected by their continued imprisonment against the fact that they are unlikely to show any remorse, while they continue to deny their guilt. The Parole Board does not treat such offenders any differently or more leniently; they accept the Court's verdict that they are guilty and assess them on the basis that they are guilty. However, denial of guilt is not a lawful reason by itself for the Board to refuse to release an offender, or assess them as suitable for open conditions. When the Board is assessing the risk of offenders who maintain their innocence, it looks at the circumstances of the offence, how and why it happened, what sort of life the offender was living at the time, whether there were things like drugs or alcohol involved and so on. If there are factors like anger management, as an example, offenders can still undergo offending behaviour courses, even though they deny the offence. With all of those sorts of issues under consideration, it's possible to assess what has changed about the offender and whether that change is a lasting one and one that means they are less or as likely to re-offend in the same sort of way again.

Who are Parole Board members? Parole Board members are public appointments and they are independent of the authorities, in the same way a judge is in court. There are around 220 members and they come from a range of backgrounds. Some are judges, psychologists and psychiatrists and people with backgrounds in working with offenders. Over half are people who have had different careers such as in business, public services like the police, legal services or education. Members are extensively trained and pride themselves on their independence.

Gary Delaney v Parole Board of England and Wales

1. The Claimant, Gary Delaney, is a lifer. He was convicted of a murder and sentenced to a mandatory life sentence in July 2006. The murder was committed in October 2005 when Mr Delaney, who had had something of a career in boxing, was working as door security. He assaulted a patron by a sufficiently violent punch that the jury was sure he had intended really serious injury, and tragically his victim fell backwards, striking his head on the ground, resulting in death.

2. Mr Delaney's minimum term was set at 11 years, less time served on remand, with the result that he became eligible to be considered for release from October 2016. It is possible to infer that Mr Delaney, stating this in general terms, must have responded well to custody, and the evidence before the court such as it is in relation to his time in custody seems to confirm that. It is possible to infer that in general terms anyway from the very fact that he was released on licence as quickly as in February 2017, only four months after the expiry of his tariff.

3. The matter now comes before the court because in late October 2017, Mr Delaney's licence was revoked. He was recalled to custody following his arrest on 29 October 2017 on suspicion of a series of incidents of domestic violence against a woman with whom he had struck up a relationship following his release. The allegations were of a relatively serious nature, including allegations that there had been a wrist fracture, a perforated ear drum, and an act of urinating on the complainant.

4. Mr Delaney challenges, with permission granted on the papers, the decision letter dated 18 June 2018 by which a panel of the Parole Board concluded that it would not direct that he be re-released on licence, and it would not recommend that he be transferred to open conditions.

5. Mr Gardner, who appears today for Mr Delaney, in most helpful and succinct submissions, puts the case for Mr Delaney as follows: a. Firstly, and principally, the Parole Board has adopted a 'Wednesbury unreasonable' conclusion as to the risks Mr Delaney poses if re-released. That conclusion, Mr Gardener submits, and I agree, fundamentally infects the entirety of the decision letter, if it was a flawed conclusion. That is because, in substance, the sole effective basis of the conclusion that Mr Delaney should not be re-released is that the risks the panel concluded that he would present if re-released were unacceptably high. In addition, the overwhelming factor in the balance when considering whether to recommend transfer to open conditions was, in the view of the panel, those same risks, which the panel concluded were such as could not at present be safely managed under open conditions. b. Secondly, the decision letter betrays an unlawfully inadequate set of reasons for the conclusion as to risks reached. In reality, as it seems to me, there is nothing in this second ground if the first ground is not made out. The valid challenge to this decision letter as regards the assessment of risks, if there be a valid basis for challenge, is that the reasons for the conclusion as to risk given by the panel do not lawfully justify the conclusion reached, rather than that one cannot discern sufficiently from the decision letter what those reasons were in the first place. c. Thirdly, as a separate and independent ground of challenge to the decision not to recommend a transfer to open conditions, the Parole Board panel has in that regard, in effect, leapt from its conclusion as to risks, which Mr Gardener rightly accepts is one factor to which the panel must have regard, to the conclusion that a transfer to open conditions cannot be recommended. That conclusion, it is said, was reached without pausing between the two to consider other factors that the Parole Board, under the applicable Standing Directions, was obliged to consider. The submission as a result is that in substance the panel has not conducted a balancing exercise at all, that being the type of exercise required in respect of a consideration whether to recommend transfer to open conditions. It has, so it is said, wrongly adopted an approach that the threshold assessment of risk, even if it is not itself a flawed assessment, is sufficient without more to preclude any recommendation for open conditions.

6. In relation to the panel's assessment of the risks Mr Delaney would present if re-released, the panel summarised, in the decision letter, the circumstances reported to the police resulting in Mr Delaney's arrest on suspicion of domestic violence as I have already mentioned. It took evidence from DS Fuller, the officer in charge of the possible new criminal case against Mr Delaney that might have arisen out of those allegations. The key passages in the decision letter, displaying the Parole Board panel's assessment of the matter and its reasoning, were then as follows: "14) Although the initial complaints had been recorded through the body worn video system when police originally attended the house on 29 September, as Mr Fuller put it, through no lack of trying, the police were unable to obtain any evidence which could be satisfactorily used in court, and as a result the decision not to proceed had to be taken. He told the panel that there were reasonable grounds for believing that you had been guilty of violent offending; having heard his evidence and seen the documents the panel has little doubt that that was correct. Mr Fuller told the panel that in the police view, there was truth in the allegations made against you, but the police have been unable to prove them. He also said that in his view, if in the community, you would pose a serious risk of violence to [the complainant], if there was any resumption of your relationship with her and give rise to high risk. The panel was impressed by Mr Fuller's careful and measured evidence and accepts it. It is clear that the concession as to the reasonableness of the recall was sensible and, it could be said, inevitable. 15) You denied use of any violence. You said that you could only remember the events of the night when the police were called, 29 October. You accepted that there had been much drinking and told the panel that [the complainant] would get boisterous and erratic after drinking. You agreed that you had heated arguments with her but said that you had never "lifted a finger to her". Your denial was unconvincing; the panel does not seek to make a finding of fact as to what happened between you and her; but it is clear that the original complaints to the police may well have been true and that you pose a real risk of violence in an intimate relationship."

7. The panel's approach, that is to say, was not to make any finding as to what had actually happened but nonetheless to treat the fact that the allegation, denied by Mr Delaney, had been made against him as, in itself, a matter from which it could conclude that there was real risk. This approach found repetition when the panel, under the heading of 'Current Risks', reviewed the recommendations of both Mr Delaney's offender supervisor and his offender manager, in their evidence, that he be re-released (albeit subject to carefully considered conditions).

8. Referring to Mr Delaney's offender manager, Ms Berry, the panel said as follows: "20) Ms Berry assesses your risks of serious harm in the community as high to the public and to known adults. She said, and the panel agrees, that the allegations which lead to your recall had increased your risks. The most prominent problem appears to be your lack of emotional regulation and anger management; your reported conduct towards [the complainant] is, in that sense, offence paralleling, and needs to be addressed on a one to one basis, which in her view, could be undertaken on release to approved premises which she recommends. However, she accepts that there are real prospects that if released, you and Joanne would get together quickly, and that would create imminent risk." (my emphasis)

9. To be fair to the panel it also referred, in that 'Current Risks' section of the decision letter, to a somewhat emotional reaction, it may be overreaction, displaying some anger, that Mr Delaney displayed in relation to an unrelated aspect of his factual circumstances when that was explored with him at the hearing. There is, however, no indication in the decision letter that that flashpoint within the hearing would have been sufficient on its own to cause the panel to reach the conclusions that it did concerning the risks of violence it decided that Mr Delaney posed.

10. Mr Gardner advances the proposition, in my judgment a sound proposition, that the fact of an allegation of violence against a lifer on licence cannot properly, in itself, found a conclusion that he presents any particular type or degree of risk of being violent. That is ultimately for the simple and sound reason that an allegation is just an allegation. That would be true, indeed, even if the allegation led to a charge and a pending prosecution. In this case, for the reason articulated by the panel at paragraph 14 of its decision, there never was any prosecution, let alone any active prosecution pending when the panel was considering the matter. Whilst the evidence before me, perhaps, does not pin this detail down fully, my reading of both the decision letter and the evidence I have such as it is, suggests it is more likely than not that Mr Delaney was never even charged, rather that the sequence of events was one of complaint, arrest, re-call to custody (which in itself is not challenged) and then some six weeks or so later, a decision by the police simply to take no further action.

11. Mr Gardner cites for his proposition, which I have accepted, three decisions of this court: Broadbent v The Parole Board of England and Wales [2005] EWHC 1207 (Admin), especially at [26]-[29]; R (J) v The Parole Board [2010] EWHC 919 (Admin) especially at [48]; and R (McHale) v The Secretary of State for Justice [2010] EWHC 3657 (Admin) especially at [16]. In my judgment Mr Gardner is correct not only as to the proposition of law that he advances, but also that on the facts of this case, the Parole Board panel has not identified, or in reality even attempted to identify, what, other than the fact of the allegation, it thought justified the conclusion it reached as to risk. To the contrary, and most startling in its agreement with Miss Berry's assessment of risk to which I have already referred at paragraph 20 of the decision letter, the panel endorsed the notion she advanced 'that the allegations which led to your recall have increased your risks'.

12. Mr Gardner accepts, not least in the light of passages in the judgments of the court to which I have just referred, that the Parole Board is not required in law in every case to consider making, or actually to make, any finding of fact that acts of further violence have been committed, in order to justify a finding that the lifer in question does present some identifiable, specific and present risk of violence. However, in my judgment, he is correct to submit that if as in the present case there is nothing in the undisputed facts surrounding the allegations to justify that conclusion, then the panel cannot rely simply on the fact, nature, or seriousness of the allegation as leading to any conclusion one way or the other. In such a case as the present, the panel must in reality either disregard the allegation as being so far as it can see no more than an allegation, or undertake an investigation and consideration of any evidence that may be presented to it of the conduct of the offender, enabling it to make at least some findings of fact as to what did happen by reference to which, as a factual basis for any conclusions, it might then consider the question of risk.

13. The starkness of the decision letter in its express decision not to make any relevant finding, but to go no further than a conclusion that there may have been truth in the allegations (but then equally there may have been none), and its flawed logic that the allegations led to an increase in risks, means it is impossible to say whether – and the argument on this judicial review has not considered this in any detail – there was before the panel evidence it was entitled to treat as admissible sufficient to enable it to make findings about Mr Delaney's behaviour that might have justified the conclusions as to risk it reached. It suffices for the purposes of this judicial review to say that the starkness of the erroneous approach of the panel in this decision letter means that the decision letter must be and will be quashed.

14. In those circumstances, it is not necessary for me to consider in detail the separate decision within the letter whether to recommend a transfer to open conditions. As I indicated at the outset, whether or not that aspect of the decision letter is susceptible independently of challenge, by reference to the approach the panel ought to have taken to that type of decision,

on any view the decision actually made was overwhelmingly influenced by the assessment of the risk posed by Mr Delaney and I have now held that to have been a flawed assessment.

15. By reference to R (Hill) v The Parole Board [2012] EWHC 809 (Admin), R (Hutt) v The Parole Board [2018] EWHC 141 (Admin), and the applicable Directions to the Parole Board under Section 32(6) of the Criminal Justice Act 1991, Mr Gardner submits, correctly in my judgment, that the question of whether to recommend the transfer of a lifer to open conditions is different in kind to the question whether to direct his release. In particular, the Directions require the Parole Board to take four main factors into account in an evaluation of the risks of transfer against its benefits; hence the reference to this type of decision as a balancing exercise, not merely an assessment of a threshold condition such as applies to the question whether the lifer poses a sufficiently low level of risk to the public that it is no longer necessary that he be confined.

16. The four factors that must be taken into account, set out at paragraph 5 of the Parole Board Directions, are: "a) the extent to which the lifer has made sufficient progress during sentence in addressing and reducing risk to a level consistent with protecting the public from harm, in circumstances where the lifer in open conditions would be in the community, unsupervised, under licensed temporary release; b) the extent to which the lifer is likely to comply with the conditions of any such form of temporary release; c) the extent to which the lifer is considered trustworthy enough not to abscond; d) the extent to which the lifer is likely to derive benefit from being able to address areas of concern and to be tested in a more realistic environment, such as to suggest that a transfer to open conditions is worthwhile at that stage."

17. In R (Hill) v The Parole Board the Parole Board panel appears not to have adverted at all to, and therefore on the face of things seems not to have appreciated the existence of, the separate balancing exercise to be undertaken, different in kind to the consideration of the simple threshold issue for a release. In R (Hutt) v The Parole Board the Parole Board panel appears to have adverted to, and therefore on the face of things recognised the existence of, the separate test and its different nature, but then proceeded to give it no consideration. It is not clear to me that this is so stark a case as either of those.

18. In the decision letter in this case, the Parole Board panel did identify and state in acceptable terms the two different tests it would be called upon to consider: "4) … the panel is empowered to direct your release if the evidence demonstrates that your risks have reduced to the point at which it is no longer necessary for the protection of the public that you should continue to be detained in prison. If that point is not reached then the panel may recommend your transfer to open prison if, after carrying out a balanced consideration of your risks to the public and the benefits of progressing your rehabilitation into the community, and of any risks that you might abscond, the panel concludes that your risks can safely be managed in open conditions."

19. Mr Gardner is right to submit that the consideration of, and application of, the separate test for whether Mr Delaney's transfer to open conditions should be considered was very brief. He is also right to observe that it is contained within the single paragraph under the heading 'Conclusion' with which the panel completed its work.

20. In that paragraph, the panel reiterated its conclusion, clear from its preceding discussion of Mr Delaney's case, that the risks of violence were too high to justify release, having "not reduced to the point at which it is no longer necessary for protection of the public that you should be detained in prison." That, as I have said, is a flawed conclusion, by reference to Mr Gardener's primary ground of challenge that I have upheld. The concluding paragraph continued: "Those risks could not at present be safely managed in open conditions. In such

conditions it is highly likely that you would, again, be in contact with [the complainant], would seek to see her during leave and would thus create the same risks as on release. There is a further risk to members of your family with whom you are deeply angry, accordingly for the reasons set out above, the panel has concluded that it should not direct your release and should not recommend to the Secretary of State that you be transferred to open prison."

21. It involves the drawing of an inference against the Parole Board to say that because of the brevity of that final statement the panel overlooked or failed properly to apply the separate balancing exercise test it had identified at the outset of the decision letter, when coming to make its decision as to transfer. As it seems to me, the better reading of the letter is that it is implicit in the reference in that brief conclusion to open conditions and the focus the panel therefore had on the management of risks in those conditions, that it had well in mind, in effect it was taking as read in Mr Delaney's favour as applicant for transfer, considerations of his likelihood of complying with conditions, his trustworthiness in relation to absconding and the likelihood that he, for his part, would derive benefit from being in open conditions.

22. On a relatively fine balance, therefore, for undoubtedly it would have been better for the reasoning to be more fully articulated, I would not conclude that the Parole Board panel erred in the decision not to recommend transfer to open conditions, by failing to conduct any or any proper balancing exercise, as is the ground of challenge raised in relation to that decision. As it seems to me, on that fine balance, the better reading of the decision letter is that the panel was well aware of the balancing exercise that was required to be undertaken, and well aware of the matters that went in Mr Delaney's favour in that exercise, however upon its assessment of the risks he presented, they outweighed, indeed overwhelmed, those factors in his favour. The need to protect, in particular, the domestic violence complainant, and also to some extent members of Mr Delaney's own family as assessed by the panel, were sufficiently great and imminent as to overwhelm the other factors in the balancing exercise.

23. Had the assessment of those risks itself been sound, it would not have been appropriate to uphold a challenge to the final part of the decision by which the requested recommendation for a transfer to open conditions was refused. As it is, however, that assessment of risks was fundamentally flawed, and all parts of the decision were affected by that flawed assessment.

24. For those reasons, this claim succeeds. The Parole Board decision of 18 June 2018 must be quashed and, subject it may be to assistance from Mr Gardner as to a precise form of words, I am minded to direct that a differently constituted Parole Board panel re-hear the 2018 parole review of Mr Delaney's case as soon as possible.

Prisons and Probation Ombudsman (PPO) Strategic Plan for 2019-21

Four key strategic themes which will contribute to achieving those crucial outcomes.

Confidence: We will focus on the impact of our work and the improved outcomes to which we contribute. We will make the right recommendations, ones which reflect what needs to happen and we will do more to make sure that they result in action. We will get better at telling people what we are doing well and at working with all our stakeholders to understand how we can improve our contribution to safer, more decent, services.

Effectiveness: We will build on the work we have already done to simplify our processes and increase our productivity. We will empower our staff and encourage and support their professional development so that we can be confident we are doing the right things, in the right way and that what we do can really make a difference.

Impact: Perhaps the most important of our strategic themes. The confidence of our stakeholders, of other organisations, of those in detention and their families (and the families of those who have died in custody and secure accommodation) and of all staff is threatened if the work we do and the recommendations we make do not have impact. We will be working hard on this in the coming year and beyond, better to understand the barriers to our work having the impact it should. We will work collaboratively and creatively on dismantling those barriers and we will focus on how what we do can really make a difference. We will challenge failure to implement our recommendations and we will celebrate and share the success of those who do act on them.

Efficiency: We will do all of that in the most efficient way, using public money responsibly and having the flexibility and resilience in the PPO team to respond to changes in the demand for our services.

Northern Ireland Prison Bans Book About Irish Republicans

Rory Carroll, Guardain: A Northern Irish prison that holds some of the most dangerous republican paramilitary prisoners has banned a new academic book about dissident Irish republicans. HMP Maghaberry, outside Lisburn in County Antrim, has prevented inmates gaining access to Unfinished Business: the Politics of 'Dissident' Irish Republicanism, written by Marisa McGlinchey, a research fellow in political science at the Centre for Trust, Peace and Social Relations at Coventry University. The book, published in February by Manchester University Press, is a study of radical republicans who accuse Sinn Féin and the Provisional IRA of accepting partition and selling out the movement. It is based on interviews with about 90 republicans, including inmates at Maghaberry.

Darragh Mackin, a Belfast-based solicitor who represents republican inmates, said such a ban was unusual but not unprecedented. "We have asked a number of questions seeking clarity but haven't yet had a response. We don't see a good reason for it being prohibited," he said. The prohibition coincides with a surge in attacks by the New IRA. In January, it detonated a car bomb outside a courthouse in Derry. In March, it sent letter bombs to targets in London and Glasgow, and this month one of its members shot dead the journalist Lyra McKee during rioting in Derry. Police hunting McKee's killer have warned of a "a new breed of terrorist coming through the ranks" 21 years after the Good Friday agreement supposedly drew a line under the Troubles. McGlinchey said she was taken aback when a prisoner notified her about the ban: "It must be because of the subject matter but this is an academic work." She visited Maghaberry five or six times to conduct interviews, she said. The book has been endorsed by the life peer Paul Bew and Richard English, professors at Queen's University Belfast and experts on Northern Ireland politics.

Asked for the reason for the ban, a NI Prison Service spokesperson said: "The Northern Ireland Prison Service has a duty to ensure that we provide a neutral environment for prisoners, visitors and staff. On occasion, this will mean some items may not be permitted into our prisons." In 2016, Maghaberry banned a booklet about two prisoners (Brendan McConville and John Paul Wooton) who were convicted of killing a police officer. Nathan Hastings, a dissident who was recently released after serving time for possession of guns and explosives and was interviewed for the book, said the ban on Unfinished Business could be linked to a wider crackdown on the movement. "It may be a tightening of the screws. It's one of the tools in their punitive arsenal." Relations tend to be tense between prison staff and the several dozen republican dissidents held in Roe block, with disputes over Irish-language tuition and full-body searches. The New IRA murdered two prison guards, David Black in 2012 and Adrian Ismay in 2016. Both were married with children. After Black's killing inmates reportedly strode around the astro-pitch smoking cigars in celebration.

Shrewsbury 24 Succeed in Judicial Review Against Criminal Cases Review Commission

Bindmans Solicitors: Tuesday 30th April, during a judicial review hearing before the Divisional Court, the Criminal Cases Review Commission agreed to reconsider the referral of the convictions of the Shrewsbury 24 to the Criminal Division of the Court of Appeal. Ten members of the Shrewsbury 24, supported by the Shrewsbury 24 Campaign, had asked the CCRC to refer their 1973/74 convictions to the Court of Appeal on the basis of a number of grounds, including: (i) recently discovered evidence that original witness statements had been destroyed and that this fact had not been disclosed to the defence counsel; and (ii) the broadcast of a highly prejudicial documentary during the first trial, the content of which was contributed to by a covert agency within the Foreign Office known as the Information Research Department. The CCRC refused to make that referral.

Four of those applicants pursued judicial review on behalf of the wider group, represented by Jamie Potter of Bindmans LLP, Danny Friedman QC of Matrix Chambers, Rhona Friedman of Commons Law CIC and Ben Newton of Doughty Street Chambers. Permission to proceed to a full hearing was originally refused on the papers, but was subsequently granted by Mr Justice Jay in November 2018. The CCRC continued to defend the proceedings until the day of the hearing before Lord Justice Flaux and Mrs Justice Carr DBE; unusually conceding part way through the day that the CCRC would withdraw its decisions.

The CCRC has agreed it will now reconsider as soon as practicable whether or not to refer the convictions of the Shrewsbury 24 to the Court of Appeal.

Eileen Turnbull, Secretary for the Shrewsbury 24 Campaign supporting the Claimants, said: This is a magnificent success. We are one step nearer to achieving our goal of justice for the pickets. The Shrewsbury 24 Campaign has worked tirelessly over the past 13 years. Today's result is a testament to all our hard work and the support from the labour movement.

Jamie Potter, Partner in the Public Law and Human Rights Department at Bindmans LLP and solicitor for the Claimants, said: The decision of the CCRC to withdraw their refusals to refer the convictions of the Shrewsbury 24 Campaign is welcome. As Lord Justice Flaux acknowledged during today's hearing, there can be no question that evidence of witness statement destruction would, in 2019, have to be disclosed to the prosecution. It is essential that historic unjust convictions arising from such fundamental unfairness are now corrected and we hope that the CCRC will refer this matter to the Court of Appeal so these convictions can properly be considered.

Innocent People Wrongly Convicted Due "Crisis" In Forensic Science Services

Martin Evans, Telegraph: Serious crimes are going unsolved and innocent people are being wrongly convicted due to a "crisis" in the forensic science industry in England and Wales, a damning report has found. Lords on the Science and Technology Committee have warned that "justice will be in jeopardy" unless there is a radical overhaul in the quality and delivery of the service. Forensic evidence, which can include everything from fingerprints to complex DNA profiles, constitutes a major part of modern criminal investigations and can be crucial to the success of a prosecution.

But seven years after the Forensic Science Service was privatised amid concerns over efficiency, the system has been described as being in complete crisis, with a lack of funding and an absence of leadership contributing to the problems. In 2008 national spending on the forensic science service totalled £120 million, but last year that had fallen to just £50 million. Lord Patel, the chair of the committee, said the issues Peers had identified meant it was “hard to have complete confidence that every criminal investigation was pursued with the correct degree of scrutiny”. As a result criminals including rapists and even killers, could be escaping justice due to flawed investigations and prosecutions.

Recent figures also suggested that two thirds of reported burglary investigations were now closed by the police without a suspect being identified, with a “lack of forensic opportunities” often being cited as the reason. Lord Patel said problems with the forensic science industry was "driving down the ability for police forces to investigate offences such as burglary" while also making it harder to detect other crimes.

However, the report also identified worrying problems in the way defendants were being prevented from challenging forensic evidence put before the courts. Cuts in legal aid budgets means that suspects are not always able to afford to appoint experts to check forensic evidence is of the highest standard, risking miscarriages of justice. The committee accused the Home Office and Ministry of justice of "abdicating responsibility" and showing no leadership over the problems. And the report criticised the Government over an "embarrassing" delay in giving the Forensic Science Regulator statutory powers that were promised in 2012. Lord Patel said: "Our forensic science provision has now reached breaking point and a complete overhaul is needed." He added: "Unless these failings are recognised and changes made, public trust in forensic science evidence will continue to be lost and confidence in the justice system will be threatened. Crimes may go unsolved and the number of miscarriages of justice may increase."

Nominal Damages Only For Technically Unlawful Arrest And Detention

The latest decision of the Court of Appeal in Parker v Chief Constable of Essex Police [2018] EWCA Civ 2788 is important for all police lawyers. The facts are quite detailed but, essentially, where the police perform an unlawful arrest (which would result in unlawful detention), the arrested person will receive only nominal damages where they could and would have been lawfully arrested had the correct procedures been followed.

Patrick MacKay

To ask the Secretary of State for Justice, whether Patrick Mackay has ever been deemed eligible for release from prison since he was sentenced for manslaughter in 1975.

Answered by: Rory Stewart: Patrick Mackay was convicted of three counts of manslaughter on the grounds of diminished responsibility and sentenced to life imprisonment with a minimum term of 20 years in 1975. He became eligible for release at the end of that minimum term in March 1995. As a Life Sentenced Prisoner, Mr Mackay will only be released on direction from the Independent Parole Board when it is satisfied that the risk he poses can be managed safely in the community. The Parole Board has reviewed Mr Mackay’s detention on 10 occasions since 1995. On each occasion the Parole Board has decided that his risk is too high to be safely managed in the community. Mr Mackay’s case was most recently referred to the Parole Board in August 2018. His parole review is ongoing.

Firm Ordered to Pay £100k After Evidence Mistake

John Hyde, Law Gazette: Relatives forced to abandon an industrial disease claim have successfully sued their former solicitors after a crucial mistake during the evidence-gathering process. The High Court ordered in Hanbury & Anor v Hugh James Solicitors (A firm) that the top 100 practice should pay around £104,000 to the family of a former insulation engineer who died of lung cancer in 2010. The relatives had instructed Hugh James to pursue an asbestos-related disease claim, but they dropped the case in November 2012 after a doctor’s report concluded there was insufficient evidence to link the man’s condition to his asbestos exposure.The court heard that the doctor had

seen the deceased's GP and hospital records but, crucially, not the post-mortem report or mineral fibre analysis. The claimants said Hugh James was negligent in failing to send these documents to the expert and failing to spot this mistake when the report was subsequently filed. It was accepted that, had the extra evidence been available, the report would have been materially different. The claimants submitted that the case would have proceeded either at trial or through settlement. Hugh James initially denied breach of duty and contended that, even if a breach was made out, causation was not established. By the conclusion of the trial, breach of duty of duty was conceded, but the firm continued to deny that the claimants lost anything of real value in the underlying claim. Mrs Justice Yip, sitting in the High Court Queen's Bench Division, concluded that the claimants had good prospects of succeeding at trial against some or all of the defendant employers. '[Hugh James'] admitted breach of duty led to this claim being discontinued,' she said. 'But for that breach, a favourable medical opinion would have been obtained... and would have been served on the proposed defendants.' The firm would have insisted that medical causation was demonstrated, the judge said, and offers of settlement would have been invited. The judge assessed the full value of the claim as £217,256 and she applied a 20% deduction for contributory negligence (the deceased was a smoker). She assessed the claimants would have recovered 60% of the claim value. Assuming settlement would have been achieved in late 2013, the claimants can also recover interest assessed from 1 January 2014. A spokesperson for Hugh James said: 'We note the comments from Mrs Justice Yip but it would be inappropriate for us to respond at this time.'

Mother Wins Appeal Against Conviction for Assaulting Police Officers

Scottish Legal News: A mother who was found guilty of assaulting two police officers who unlawfully entered her home and tried to detain her has successfully appealed against her conviction. The High Court of Justiciary ruled that the sheriff's decision to convict, which was upheld by the Sheriff Appeal Court, was "wrong in law" because he applied the wrong test. The sheriff ruled that the appellant's response went beyond reasonable force, but the correct test was whether her conduct in trying to resist detention was "reasonably necessary" in the context of the "unlawful" actions of the police.

'Unlawful conduct' The Lord Justice General, Lord Carloway, sitting with Lord Brodie and Lord Turnbull, heard that the appellant Rebecca McCallum, 38, was convicted of assaulting PC Jill Urquhart by repeatedly pinching and nipping her on the body to her injury, and found guilty of assaulting PC Scott Dugan by kicking him on the body. The two officers had been instructed attended the appellant's home in Edinburgh in the course of 22 November 2017 to detain her under section 14 of the Criminal Procedure (Scotland) Act 1995 in relation to an allegation of assault, with a view to transporting her to a police station for interview. The officers attended at the appellant's home at around 9:40pm and the appellant, who was at home with her 14-year-old son, opened the door of her flat in response to their knocking.

The officers explained their intentions during a brief discussion at the doorway, but the appellant, who was wearing her nightclothes, made it plain that she had no intention of accompanying them and attempted to close the door of her flat. She was physically prevented from doing so by both officers who then crossed the threshold of her property, entered the hallway there and each took a hold of one of her arms with the intention of physically removing her. A struggle ensued, during which the appellant reiterated vociferously that she was refusing to go with them, that they were assaulting her, that they had no right to do what they were doing and that they should leave her alone. In an effort to avoid being removed from her house the appellant flailed her arms and legs and tried to physically prevent the officers from removing her.

'Beyond the pale' The struggle continued for a period of around 15 minutes during which the officers were unable to control or subdue the appellant and they summoned assistance from other officers, who eventually subdued her sufficiently to permit the combined group of officers to physically remove her to a police station. As was made plain in the case of Gillies v Ralph 2008 SCCR 887, in order to enter private property without invitation or enter private property forcibly and against the will of the occupier, police officers ordinarily require the authority of the courts in the form of a warrant, as the statutory power of detention contained within section 14 of the 1995 Act did not make provision for the power of entry onto private property. It was therefore conceded by the Crown before the sheriff who presided at the appellant's summary trial, before the Sheriff Appeal Court, who refused her appeal against conviction, and before the High Court that the legal position was clear and that the conduct of the police officers in forcing entry to her home and in taking hold of the appellant in an effort to remove her was "unlawful". However, the sheriff observed that while the appellant was entitled "to physically resist", she was entitled to use "only reasonable force short of cruel excess". He concluded that the force which she used was "wholly beyond the pale, quite unnecessary and well beyond what was reasonable" and that her conduct therefore amounted to an assault at common law upon each officer.

'Necessary force' The appellant challenged the sheriff's decision, but the Sheriff Appeal Court considered that the sheriff had directed himself correctly to the law, "namely that the appellant was entitled to take reasonable steps to resist that unlawful detention", and said it could find no fault in his reasoning in his assessment of both the law and the facts which found proved. Leave to appeal to the High Court was granted upon the basis that the sheriff had erred in his findings in law by concluding that the appellant was entitled to use only reasonable force short of cruel excess. It was argued that the correct test to apply was that the appellant was entitled to use "all necessary force short of cruel excess" and that the Sheriff Appeal Court erred in supporting the sheriff's application of the incorrect test. It was submitted that in the circumstances which ensued the appellant was entitled to resist entry by the officers to her property, she was entitled to resist their efforts to remove her and she was entitled to take steps to remove them. To frame the degree of force to which she was entitled to resort in terms of reasonableness was not helpful, given the purpose for which force could legitimately be deployed. The "assaults" took place in the context of the struggle which happened immediately after the officers entered the appellant's home – they were part of the resistance which the appellant was properly entitled to resort to in light of the officers having entered her home.

'Correct test' Allowing the appeal, the court observed that the level of force used requires to be "reasonable for its purpose". Delivering the opinion of the court, Lord Turnbull said: "The appellant was attempting to thwart the illegal efforts of two intruders who were determined, by whatever steps were necessary, to physically remove her from her home in her nightclothes at almost 10pm and take her elsewhere, leaving her 14-year-old son alone in the house. That they were uniformed public servants did not alter the facts of the situation. It was the appellant's right to stop them from achieving their aim. "The citizen who is unlawfully attacked has the right to use such force as is necessary to bring the attack upon him to an end. The citizen who is subject to an unlawful attempt to take him into custody has the right to use such force as is necessary to prevent that from happening. That must be the true content of the 'right to physically resist', as it was termed by the sheriff in the present case. In each situation the level of violence which the respective hypothetical citizen will be entitled to respond with will be linked to, and may be adjusted according to, what is being done to him and what remains necessary in order to bring the unlawful conducted directed towards him to an end. It therefore seems to us that in order properly to frame the test to be applied to someone in the posi-

tion of the present appellant it is helpful to include the concept of necessity. This gives content to the question of how to measure the reasonableness of the individual's response. It informs the test of proportionality. Accordingly, in our opinion, the correct test to apply is to ask whether the appellant's conduct was reasonably necessary in order to provide effective resistance to the unlawful actings to which she was subjected. In assessing the evidence in the present case the sheriff did not seek to apply the test which we have identified. Nor, can it be said, that he applied a test that was broadly similar. The account which he gives of the case focuses heavily, almost exclusively, on the conduct of the appellant. There is no description of what the police officers did by way of subduing her, overcoming her resistance or removing her from the property. For these reasons we are satisfied that the decision of the Sheriff Appeal Court was wrong in law."

Digital Data and the Criminal Justice System

The CPS have introduced a digital consent form in criminal investigations that will be given to those who allege they are the victims of crime. On it they will be warned that if they refuse to surrender phones, or try to prevent information being shared, it may not be possible for the investigation or prosecutions to continue. It has caused provocative headlines in the media, particularly as those who report sexual offences and domestic violence allegations are the ones more likely to be given the forms and warnings. Headlines suggest that if rape victims don't handover all of their data to police, they won't see the culprit prosecuted. The debate inevitably seems polarised between those who want to see victims of crime treated with respect and fear genuine victims will not coming forward, and those who have been on the end of false allegations which has led to their lives being turned upside down.

Three important facts can be gleamed from the headlines. Firstly, that we keep a lot of precious, personal and sensitive information about ourselves on a small handheld device. Secondly, how uncertain people are about how the justice system deals with digital information that is handed over. Finally, how the balance between the rights of those who are alleged victims of crime and the right to a fair trial for those accused needs constant attention.

How can phone data be used? The state has a duty to investigate and prosecute a criminal offence fairly. For many offences it might be considered a reasonable line of enquiry for the police to look at digital data in the hands of a person alleging a crime has been committed. The data might provide evidence the prosecution wish to rely on to prove their case. Or, it might demonstrate no crime was committed or it undermine the credibility of the allegation. If the digital data is reviewed and not used by the prosecution, any person charged with a crime might never get to see it. The defence will only be alerted to it if the nature of it is considered reasonably capable of undermining the case for the prosecution or assisting the accused's case. Even then, only digital material that meets the test will be disclosed. This is, in fact, the position for all criminal prosecutions and is not limited to sexual offences. However, the nature of sexual offences mean that often the complainant and the accused are known to each other and what happens between two people in a private setting will have no witnesses. So, evidence of communication between them can become important because credibility and reliability of the accounts given become central to the case.

The right to a fair trial is crucial. It also has to be acknowledged that for anyone who has reported a crime, it could be a terrifying experience, to face a process where your private life is scrutinised and then personal information is given to someone who has already violated your privacy. But the system has to balance a person's privacy and another's right to a fair trial. Investigations by police shouldn't be speculative and the CPS, whilst being expected to not shirk in their duties of disclosure, are not expected to simply hand everything to the defence without scrutiny. Digital data is an issue the justice system is grappling with. The volume of information contained in a small device can be vast. How that data can be safely, securely and promptly downloaded is key. Defendants and complainants already face huge delays in getting their devices back. There have also been delays in the time it's taken for proper reviews of the material. As provocative as the recent headlines are, they to some extent useful because it helps spark a much-needed debate about the criminal justice system. Everyone has the same goal which is fairness. It's always easy for lawyers to wade in with opinions but it's not just their system, it's the public's and they must be part of the debate. They must also understand how it works so they have confidence in it. It's also in the power of the public to decide what resources we are willing to put into the system we want.

Rebuke For Solicitor Who Didn't Realise His Client Was Dead

Neil Rose, Legal Futures: A solicitor who did not realise that his client had died seven years previously when he purported to act for her has been rebuked by the Solicitors Regulation Authority (SRA). Ian Johnson, a partner at Knipe Woodhouse-Smith in Gerrards Cross, Buckinghamshire, took instructions from the dead client's son without trying to contact her. According to a regulatory settlement agreement published by the SRA yesterday, in July 2016 Mr Johnson was instructed to represent 'Mrs B' over a lease extension on a property she owned. Mr Johnson took instructions from Mrs B's son, Mr B, who was a long-standing client of the firm. "Mr Johnson did not contact Mrs B to identify or verify her identity. Nor did he ensure that Mr B was authorised to give instruction on her behalf," the agreement said. The solicitor "undertook significant work on the matter" for the next 16 months, during which he referred to Mrs B as his client in correspondence. In November 2017, after the documents for the lease extension had been agreed and were ready to be signed by the parties, Mr Johnson wrote to Mrs B, enclosing a copy of the documents for the lease extension, as well as his firm's terms of engagement for Mrs B to sign. He also asked for documents verifying Mrs B's identity and address. This was the first time Mr Johnson had tried to contact Mrs B directly. The following month, Mr B informed Mr Johnson that his mother had passed away in 2009. Mrs B's estate had not yet been finalised. "When Mr Johnson learned that Mrs B has died, he informed the other side and stopped acting in the matter," the SRA recorded. The solicitor admitted failing to achieve outcome 7.5 of the SRA Code of Conduct because he did not verify and identify his client at the start of the transaction, as required by Regulation 5(a) of the Money Laundering Regulations 2007. Further, he breached principle 6 of the SRA Principles – "You must behave in a way that maintains the trust the public places in you and in the provision of legal services". The SRA said the rebuke was an appropriate sanction for Mr Johnson's "reckless" conduct, marking its "moderate seriousness" and the impact it had on the clients on the other side, but also recognising that there was no dishonesty or lack of integrity.

Hostages: Sally Challen, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinene, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva,Terry Smith, Hyrone Hart, Glen Cameron,Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.